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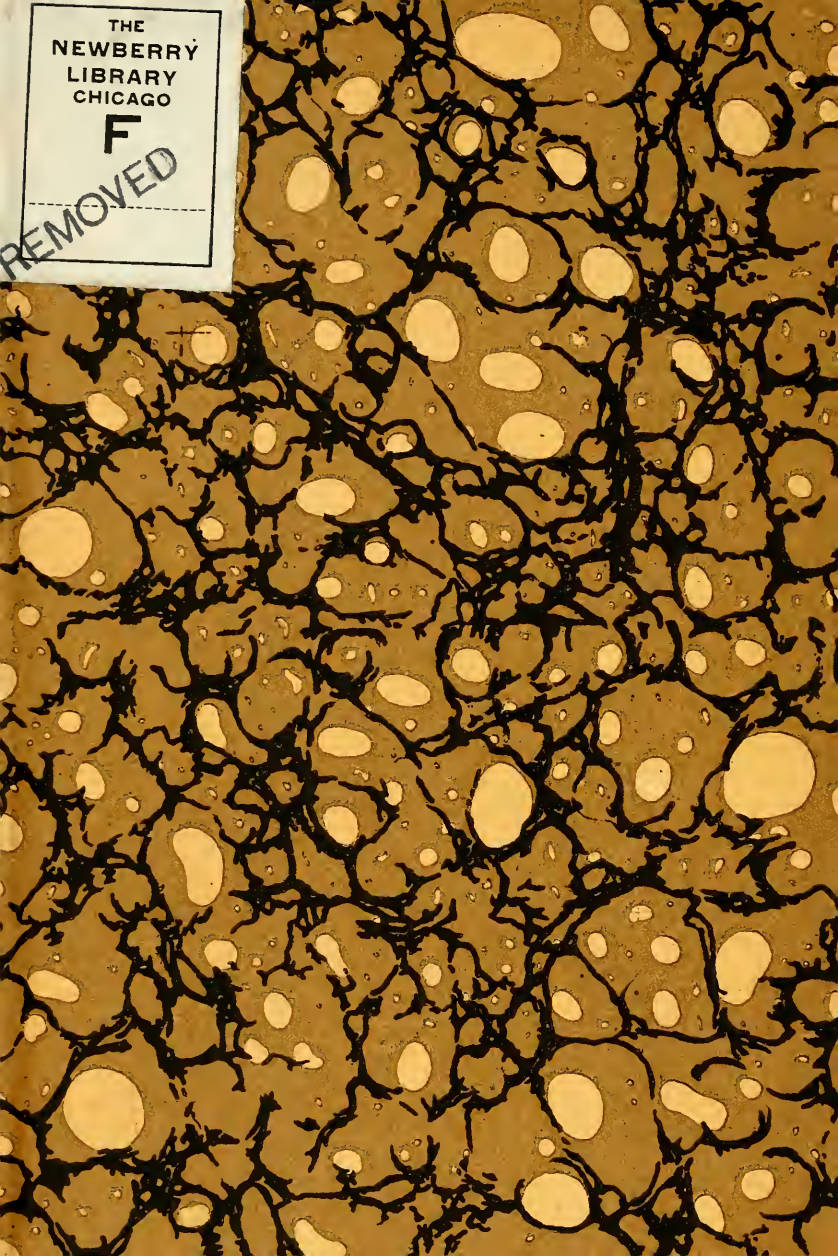

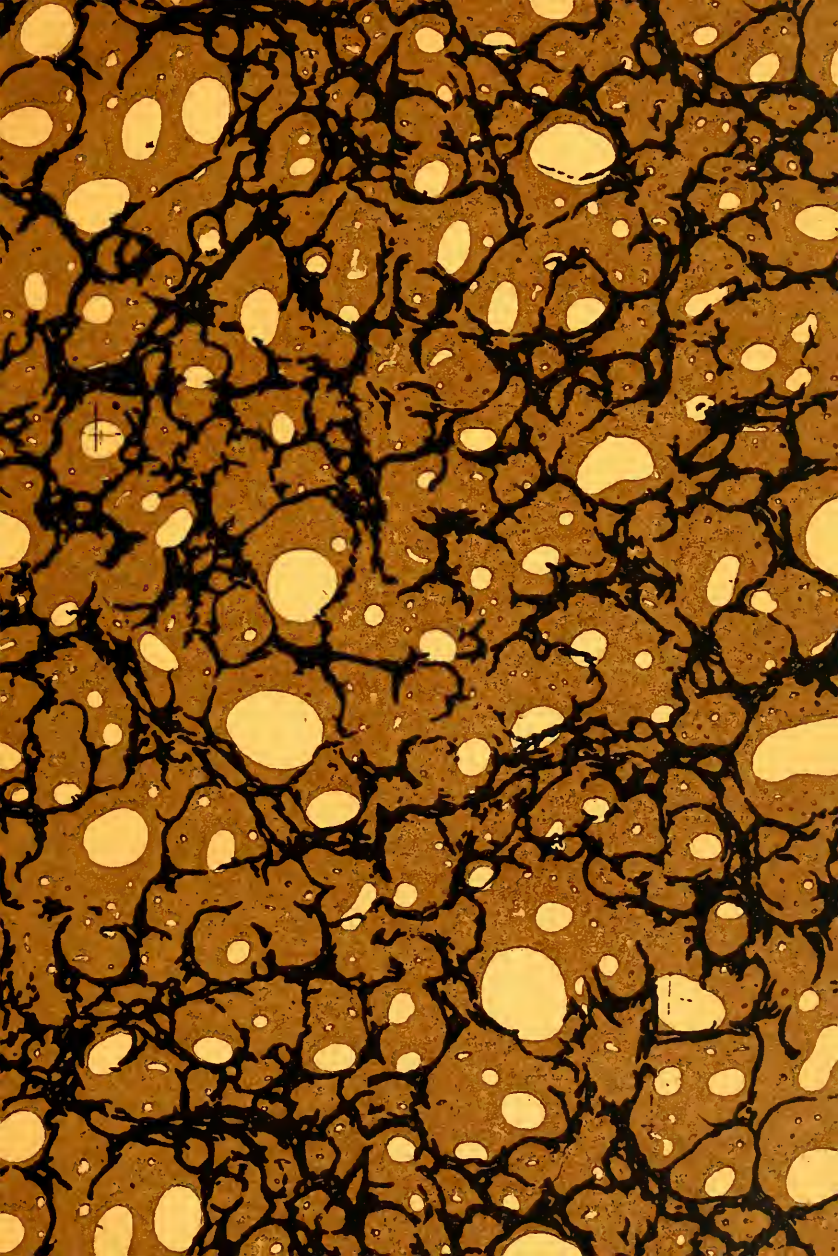

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38TH CONGRESS, 1st Session. | SENATE. | Ex. Doc. No. 17.

MESSAGE

OF THE

PRESIDENT OF THE UNITED STATES,

COMMUNICATING,

In answer to a resolution of the Senate of the 26th ultimo, correspondence with the rebel authorities in relation to the exchange of prisoners.

FEBRUARY 8, 1864.—Read, referred to the Committee on Military Affairs and the Militia, and ordered to be printed.

To the Senate:

In compliance with the resolution of the Senate of the 26th ultimo, requesting "a copy of all the correspondence between the authorities of the United States and the rebel authorities on the exchange of prisoners, and the different propositions connected with that subject," I transmit herewith a report from the Secretary of War, and the papers with which it is accompanied.

ABRAHAM LINCOLN.

WASHINGTON, *February* 4, 1864.

WAR DEPARTMENT,
Washington City, February 4, 1864.

SIR: I have the honor to return herewith the resolution of the Senate of the 26th ultimo, requesting "a copy of all the correspondence between the authorities of the United States and the rebel authorities on the exchange of prisoners, and the different propositions connected with that subject," and to transmit a copy of the report of Major General Hitchcock, commissioner for exchanges, with the accompanying papers.

Very respectfully, your obedient servant,

EDWIN M. STANTON,
Secretary of War.

The PRESIDENT.

WASHINGTON CITY, D. C.,
February 4, 1864.

SIR: I have the honor to enclose a copy of "the correspondence between the authorities of the United States and the rebel authorities on the exchange of prisoners, and the different propositions connected with that subject," called for by the Senate of the United States by resolution of the 26th ultimo.

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This correspondence has been furnished by General Meredith down to the period when Major General Butler entered upon duty in connexion with the subject of exchanges, and since then by General Butler himself.

I have added a copy of the instructions to General Butler on the subject, dated Fort Monroe, December 17, 1863, signed by myself, in conformity with your orders of the previous day, a copy of which is also annexed; and I have added a copy of the cartel, so frequently referred to in this correspondence.

Very respectfully, your obedient servant,

E. A. HITCHCOCK,
Major General Volunteers, Commissioner for Exchanges.

Hon. EDWIN M. STANTON,
Secretary of War.

HEADQUARTERS DEPARTMENT OF VA., SEVENTH ARMY CORPS,
Fort Monroe, Virginia, January 16, 1863.

GENERAL: I have the honor to enclose to you a copy of the Richmond Enquirer, containing Jeff. Davis's message. His determination, avowed in most insolent terms, to deliver to the several State authorities all commissioned officers of the United States that may hereafter be captured, will, I think, be persevered in. You will recollect that after the proclamation of Jeff. Davis, of the 23d of December, 1862, I urgently advised another interview, (the last one I had with Mr. Ould, and in which very important exchanges were declared;) I then did so anticipating that the cartel might be broken, and wishing to make sure of the discharge from their parole of 10,000 of our men. This was effected, and in a manner so advantageous to our government that we gained in the count of 20,000 exchanged about 7,000 men. I had almost equal good success in the exchange declared on November 11, 1862. If an open rupture should now occur in the execution of the cartel, we are all well prepared for it. I am endeavoring to get away from confederate prisons all our officers captured previously to the date of the message of Jeff. Davis, (the 12th instant,) with what success I shall know early next week.

As you may receive this copy of the message in advance of any other, may I ask that it be transmitted to the Secretary of War, or the general-in-chief, with the additional information conveyed in this communication to you.

I am, very respectfully, your obedient servant,

WILLIAM H. LUDLOW,
Lieut. Colonel and Agent for Exchange of Prisoners.

Major General HITCHCOCK,
Commissioner for the Exchange of Prisoners.

Copy of the paragraph in the message of Jefferson Davis, as published in the Richmond Enquirer, January 15, 1863, *and referred to in the preceding letter.*

"So far as regards the action of this government on such criminals as may attempt its execution, I confine myself to informing you that I shall, unless in your wisdom you deem some other course more expedient, deliver to the several State authorities all commissioned officers of the United States that may hereafter be captured by our forces in any of the States embraced in the proclamation, that they may be dealt with in accordance with the laws of those States

providing for the punishment of criminals engaged in exciting servile insurrection.

"The enlisted soldiers I shall continue to treat as unwilling instruments in the commission of these crimes, and shall direct their discharge and return to their homes on the proper and usual parole."

RICHMOND, VIRGINIA,
January 17, 1863.

SIR: I regretted very much, on reaching City Point, meridian, on the 16th instant, to find you had left. I did not receive any notice that you would be obliged to leave at eleven o'clock on that day. If I had, however, I do not see how I could have been at City Point any sooner.

In your communication of the 14th instant you desire to know whether the federal commissioned officers now prisoners will be released. I have already furnished you with an official copy of the proclamation of President Davis, dated December 23, 1862. In conformity therewith officers will not be released on parole, but will be exchanged for those of corresponding rank. If you have any confederate officer in your possession and will deliver him, an officer of like grade will be delivered to you, and they will be mutually declared to be exchanged. So if you have released any officer on parole, we will deliver to you an officer of corresponding rank, and declare them exchanged. The federal officers, however, now in our possession, will not be surrendered to you on parole. This rule will apply only to commissioned officers. We are ready at any time to release on parole and deliver to you your non-commissioned officers and privates.

This course has been forced upon the confederate government, not only by the refusal of the authorities of the United States to respond to the repeated applications of this government in relation to the execution of Mumford, but by their persistence in retaining confederate officers who were entitled to parole and exchange. You have now of captures that are by no means recent many officers of the confederate service who are retained in your military prisons east and west. Applications have been made for the release of some without success, and others have been kept in confinement so long as to justify the conclusion that you refuse both parole and exchange.

One prominent instance I will bring to your notice: General B. F. Butler has retained Brigadier General Clarke, and thirteen others, for several months. At the latest advices received by us they were still in custody. During the whole of the time that they have been thus detained, we had a large excess of federal prisoners, all of whom were either promptly exchanged or delivered to you on parole.

This is by no means a solitary case. I have now, and have had for a long time, authentic evidence in possession of the retention of a large number of confederate officers by your military authorities. Several prominent cases have also very recently been presented to me. You are very well aware that this has been a subject of complaint ever since the adoption of the cartel. In view of all these facts, the confederate government has determined to refuse any parole to your officers until the grievances of which it has complained are redressed. Of course this applies to such commissioned officers as were captured before the date of President Davis's message. He himself has indicated what disposition will be made of such as may be captured after that date.

In your communication of the 14th instant you also refer to the case of Mrs. Piggott, who, you say, "was taken from her home at Williamsburg, Virginia, with forty of her slaves, and who is now detained at Richmond, or some other place within the confederate lines."

Without any comment upon the singularity of the request, that slaves made free by President Lincoln's proclamation should be promptly returned as the property of Mrs. Piggott, I inform you that Mrs. Piggott was released from custody on habeas corpus a long time ago. She is a citizen of Virginia, responsible to the laws of that State, and the confederacy. The confederate and State authorities will not allow any interference by the United States with the course of justice in any one of the confederate States. They will not entertain even a protest. No fears of retaliation upon "ladies," or any one else, will ever make them relinquish their rightful and exclusive control.

I perceive by your published notice of exchanges that you have made a mistake in declaring exchanged the federal prisoners paroled at Goldsboro', and delivered at Washington, North Carolina. These are the thirteen hundred that I have so constantly pressed upon you, and for whom you have given no equivalent or credit. You have the list in your possession. I delivered it to you that you might examine more fully into the matter. Those men have not been exchanged. I hope you will make the proper correction.

When shall I see you at City Point again?

Respectfully, your obedient servant,

ROBERT OULD,
Agent of Exchange.

Lieut. Colonel LUDLOW,
Agent of Exchange.

CITY POINT, VIRGINIA, *January* 14, 1863.

SIR: May I have the pleasure of an early as possible interview with you. I desire to know whether, in compliance with the terms of the cartel, the commissioned United States officers now in your hands are to be released, and also what disposition has been made of the case of Mrs. Piggott, who was taken from her home at Williamsburg, Va., with forty of her slaves, and who is now detained at Richmond or some other place within the confederate lines.

Major General Dix, some time since, communicated with you on this case.

He has received pressing applications to retaliate by the arrest and imprisonment of ladies within our lines, whose avowed sentiments and conduct have been persistently disloyal to the United States government. Can you not have this matter arranged by the prompt return of Mrs. Piggott and all her property to her home.

I am, very respectfully, your obedient servant,

WM. H. LUDLOW,
Lieutenant Colonel and Agent for Exchange of Prisoners.

Hon. ROBERT OULD,
Agent for Exchange of Prisoners.

HEADQUARTERS DEPARTMENT OF VIRGINIA, 7TH ARMY CORPS,
Fort Monroe, Virginia, January 18, 1863.

SIR: Will you please send me by Captain Mulford a reply to my communication to you of the 14th instant, in reference to your retention of United States officers in violation of the cartel, and also to the case of Mrs. Piggott. Will you also inform me whether you will release the citizen prisoners now held by you, and especially those captured by General Stuart in his raid into Maryland and Pennsylvania.

William J. Peters, whose release you promised me some time ago, has reported

to me, with a copy of parole to procure the release of one White, a citizen, or return in thirty days. I should have been glad if his release had been unconditional, as agreed on, but having given his parole, he has diligently, but unsuccessfully, sought out White. Only three Whites have been found on the rolls, two at Fort McHerry and one at Fort Monroe, but all were released some time since. It being impossible to furnish the equivalent named, will you accept for him one Henry Voghler, now held at Baltimore. If so, please notify me through Captain Mulford.

I am, very respectfully, your obedient servant,

WILLIAM H. LUDLOW,

Lieutenant Colonel and Agent for Exchange of Prisoners.

Hon. ROBERT OULD,

Agent for Exchange of Prisoners.

HEADQUARTERS DEPARTMENT OF VIRGINIA, 7TH ARMY CORPS,

Fort Monroe, January 21, 1863.

GENERAL: I have the honor to enclose to you communications just received from Mr. Robert Ould, confederate agent for exchange of prisoners; also a copy of communication of December 11. These show the condition of matters as connected with citizen prisoners. I would recommend that no civilians be released from any of our prisons to go south, unless to procure exchanges. Such exchanges can be made. Before resorting to reprisals, would it not be better to use up all the material for exchanges now on hand? The mail is just closing, and I am obliged to write in haste.

I am, very respectfully, your obedient servant,

WILLIAM H. LUDLOW,

Lieutenant Colonel and Agent for Exchange of Prisoners.

Major General HITCHCOCK,

Commissioner for Exchange of Prisoners.

HEADQUARTERS DEPARTMENT OF VIRGINIA, 7TH ARMY CORPS,

Fort Monroe, January 23, 1863.

Permit me to call your attention to a point in our exchanges, which is operating (though probably unnoticed by you) with great unfairness.

At our last interview, and not anticipating such decisions as you have arrived at in reference to exchanges of United States officers, in order to facilitate our business, I assented to the plan of exchanging by captures, and reducing to equivalents in privates. The result now is, that while I reduced to such equivalent all your officers captured at Fredericksburg, who had been paroled and sent through the lines, you retain all of our officers captured at the same place. Whatever action may be taken in violation of the cartel, in reference to officers captured at Fredericksburg, shall be released on their parole. Will you please send me your decision on this point. The declaration of exchange of our officers and men paroled at Goldsborough, N. C., May 22, 1862, and delivered at Washington, N. C., was only intended to apply to seven, (7,) and not to the large capture referred to by you.

I am, very respectfully, your obedient servant,

WILLIAM H. LUDLOW,

Lieutenant Colonel and Agent for Exchange of Prisoners.

Hon. ROBERT OULD.

CITY POINT, *March* 31, 1863.

SIR: In the delivery of officers which you intend to make to us, you must take into consideration the large number (more than two hundred) whom we have captured, paroled, and released since the President's proclamation. I am entitled to equivalent for them. You can bring in any paroles of a like kind yourself.

Upon your application I recognized this principle in the case of the Fredericksburg officers. Even after I had ceased delivering officers, I surrendered to you of those in our possession a number equal to those whom you paroled at Fredericksburg.

I ask the recognition of the same principle now.

Respectfully, your obedient servant,

ROBERT OULD,
Agent of Exchange.

Lieut. Colonel LUDLOW,
Agent of Exchange.

HEADQUARTERS DEPARTMENT OF VIRGINIA, 7TH ARMY CORPS,
Fort Monroe, Virginia, April 3, 1863.

SIR: I send you to-day ——— prisoners of war. Among them are nine officers, two of whom, Lieutenant A. A. Scott, 6th Alabama volunteers, captured at South Mountain, September 14, 1862, and Captain C. R. Sherman, captured at Georgetown, October 18, 1862, are exchanged.

For the others, Major C. Breckenridge, 2d Virginia cavalry; Major Rufus Wharton, North Carolina sharpshooters; Captain John Alexander, 2d Virginia cavalry; Lieutenant H. B. Bickester, 8th Virginia cavalry; Lieutenant O. H. Cox, 21st Mississippi volunteers; Adjutant T. B. Hutchinson, 8th Virginia cavalry; Lieutenant Charles E. Robinson, 9th Virginia cavalry, I ask equivalents from the Murfreesboro' officers; Captain Mulford is instructed to bring them. Please send me Major D. J. Hall, 89th Illinois, who is one of them. Please send me by Captain Mulford lists of our officers held by you, that I may be enabled to arrange for the delivery of the equivalents in your officers. I desire to know when all our officers, naval and military, will be at Richmond ready for delivery. The revocation of the offensive order of Mr. Jefferson Davis, relating to United States officers and the observance of the cartel, will settle all questions relating to officers. Until this be done, all exchange of officers must be special. I will deliver to you in exchange for United States officers equivalents in number or rank of confederate officers. If we have not the equivalent number in rank, enough of lower grade will be exchanged to secure the release of all you hold. The number of officers captured and paroled by us at Fredericksburg was in excess of United States officers captured at the same place, and delivered by you at City Point. Sergeant Muller, a prisoner of war, has not yet been delivered. Will you send him by this boat? The Murfreesboro' and Arkansas Post prisoners are now on their way here, and are expected to arrive at the rate of 500 daily. Some have already been sent to you.

I am, very respectfully, your obedient servant,

WILLIAM H. LUDLOW,
Lieutenant Colonel and Agent for Exchange of Prisoners.

Hon. ROBERT OULD,
Agent for Exchange of Prisoners.

HEADQUARTERS DEPARTMENT OF VIRGINIA, 7TH ARMY CORPS,
Fort Monroe, April 8, 1863.

SIR: The best mode of arranging all questions relating to exchange of officers is to revoke, formally or informally, the offensive proclamation relating to our officers. I simply ask that you say by authority that such proclamation is revoked. The spirit of that proclamation was the infliction of personal indignities upon our officers, and as long as it remains unrepealed it can be at any moment put in force by your authorities. What assurance have we that it will not be?

I earnestly desire a return to the cartel in all matters pertaining to officers, and until such be the case, and a uniformity of rule be thereby established, our exchange of officers must be special. Some of our officers paroled at Vicksburg, were subsequently placed in close confinement, and are now so held. If hereafter we parole any of your officers, such paroles will be offset against any which you may possess. At present the exchanges will be confined to such equivalents as are held in confinement on either side. I hope you will soon be able to remove all difficulties about officers, by the revocation I have mentioned. By reference to the map, you will see that Fort Delaware is en route to Fort Monroe. It is used as a depot for collecting of prisoners sent from other places for shipment here, and is from its peculiar position well adapted for convenience for exchange.

If any mistake be found in the account of men paroled by Lieutenant Colonel Richards, at Oxford, Mississippi, on December 22, 1862, it can be rectified when we meet.

I am, very respectfully, your obedient servant,

WILLIAM H. LUDLOW,
Lieutenant Colonel and Agent for Exchange of Prisoners.

Hon. ROBERT OULD,
Agent for Exchange of Prisoners.

RICHMOND, *April* 11, 1863.

SIR: Your letters of the 8th instant have been received. I am very much surprised at your refusal to deliver officers for those of your own who have been captured, paroled, and released by us since the date of the proclamation and message of President Davis. That refusal is not only a flagrant breach of the cartel, but can be supported by no rule of reciprocity or equity.

It is utterly useless to argue any such matter.

I assure you that not one officer of any grade will be delivered to you until you change your purpose in that respect.

You have charged us with breaking the cartel. With what sort of justice can that allegation be supported, when you delivered only a few days ago over ninety officers, most of whom had been forced to languish and suffer in prison for months before we were compelled, by that and other reasons, to issue the retaliatory order of which you complain? Those ninety-odd are not one-half of those whom you unjustly hold in prison. On the other hand, I defy you to name the case of one who is confined by us whom our government has declared exchanged.

Is it your idea that we are to be bound by every strictness of the cartel, while you are at liberty to violate it for months, and that, too, not only in a few instances, but in hundreds? You know that our refusal to parole officers was a matter exclusively of retaliation. It was based only upon your refusal to observe the requirements of the cartel. All that you had to do to remove the

obnoxious measure of retaliation was to observe the provisions of the cartel, and redress the wrongs which had been perpetrated.

Your last resolution, if persisted in, settles the matter. You need not send any officers to City Point, with the expectation of getting an equivalent in officers, so long as you refuse to deliver any for those whom we have released on parole in Tennessee and Kentucky.

If captivity, privation, and misery are to be the fate of officers on both sides hereafter, let God judge between us. I have struggled in this matter as if it had been a matter of life and death to me. I am heart-sick at the termination, but I have no self reproaches.

Respectfully, your obedient servant,

ROBERT OULD,
Agent of Exchange.

Lieut. Col. WM. H. LUDLOW,
Agent of Exchange.

HEADQUARTERS DEPARTMENT OF VIRGINIA, 7TH ARMY CORPS,
Fort Monroe, April 13, 1863.

SIR: I have just received your letter of the 11th instant, and am too much hurried to reply, as I wish in detail, to the several points therein contained You are all wrong in your premises, arguments, and conclusions I agree with you that it is useless to argue the question, and I unite with you in the expression of your earnest desire to alleviate the miseries of captivity of officers who have been so needlessly and so cruelly subjected to it by the proclamation and message of Mr. Jefferson Davis. I will acknowledge all proper paroles of our officers by delivering to you equivalents of our officers, after the special exchanges of those now in confinement are carried out. This is, I believe, what you ask for. Will you frankly inform me if it be the intention of your authorities to put in force the offensive portion of the proclamation and message so often alluded to, when the fortunes of war may place the greater number of our officers in your hands. Your officers are now in Fort Delaware ready for delivery, and your reply will determine whether they are to come for exchange, or to be returned to the west.

Please be clear, frank, and explicit in your reply. Captain Mulford is instructed to bring it to me.

I am, very respectfully, your obedient servant,

WM. H. LUDLOW,
Licutenant Colonel and Agent for Exchange of Prisoners.

Hon. ROBERT OULD,
Agent for Exchange of Prisoners.

HEADQUARTERS DEPARTMENT OF VIRGINIA, 7TH ARMY CORPS,
Fort Monroe, April 20, 1863.

SIR: On the 11th instant I sent to City Point, in charge of Lieutenant Colonel Matson, ten (10) confederate officers who had not been exchanged. I enclose herewith a copy of my letter of that date, giving the names and rank of the officers. Lieutenant Colonel Matson disobeyed his instructions in not bringing back with him equivalents for these officers. Please deliver these equivalents now to the officer bearing this.

In my letter of the 13th instant, a copy of which is enclosed for your more convenient reference, I stated my willingness to exchange officers on the terms therein mentioned. I wish to know whether those terms are assented to by you

and I desire a response to the other questions therein propounded. The peculiar position of this question of exchange of officers renders these questions proper, and I regret extremely having received, through my agent, so unsatisfactory, and I may say exceptionable notice, (not reply,) of which I enclose a copy. Until you think proper to inform me what your understanding is in reference to our officers, I certainly cannot move one step further toward sending to City Point any of the large number of confederate officers, now at Fort Delaware, awaiting your action.

I again ask the release of Lieutenant Colonel Douglass Hapeman and Major J. H. Widmer, 104th regiment Illinois volunteers, Hartsville officers declared exchanged, and yet held by you. Please send them, and also one (1) captain and one (1) lieutenant due to me, as you will see on reference to my letter of the 13th instant, and which enclosed duplicate lists of officers sent to you.

I am, very respectfully, your obedient servant,

WM. H. LUDLOW,

Lieutenant Colonel and Agent for Exchange of Prisoners.

Hon. ROBERT OULD,

Agent for Exchange of Prisoners.

RICHMOND, *April* 22, 1863.

SIR: Your communication of the 21st has been received. I did not answer your communication of the 13th instant, because I really had nothing more to say in relation to the subject-matter than what was contained in the letter to which that was a reply. In my unofficial note to Captain Mulford, I certainly did not intend to be discourteous, or to write anything "exceptionable." You will do me the justice to acknowledge that in all the difficult and irritating subjects which have engaged our attention in correspondence, I have never stepped beyond the bounds of decorous propriety. I take pleasure in saying the same in reference to yourself.

In my former communications, and in personal interview, I demanded that equivalents should be given for the officers whom we had paroled and released, since the 10th of December last, in Tennessee and Kentucky. I distinctly put those officers upon the same footing as that of those whom we now hold in confinement I only asked that in exchange, officers paroled and released should be put in the same category as those who were retained.

You had complained that we did not parole your officers. Although, in your communication of the 13th, you agreed to give equivalents for such officers as we had retained, you refused to give any at present for those whom we had paroled and released. In other words, in cases where we had pursued a course which you had declared objectionable, an equivalent would be given; but where we had conformed to your own demands in the release of officers, none should be given. I must confess I was very much surprised at your letter of the 8th instant. I expressed that surprise in perhaps very strong language in my communication of the 11th instant. I intended in that letter to say to you very distinctly, that unless the released officers in the west were put upon the same footing as those whom we held in confinement, no more deliveries of officers would be made to you. I came to the determination with great regret. Your letter of the 13th did not mend matters much. I thought our demand was so fair, so equitable, that no one could refuse it. When, therefore, you sought, in your communication of the 13th, to put the released western officers upon a different footing from those held by us, I considered that you refused to acknowledge our fair claim.

In your letter of the 13th instant you say, "I will acknowledge all proper

paroles of our officers, by delivering to you equivalents of your officers, after the special exchanges of those now in confinement are carried out." That was not what I asked. I demanded simply that the western released officers should be put upon the same footing with those held by us. I did not wish to have any controversy about "proper paroles," nor did I think it right that such cases should be postponed until all those in our custody were released. I thought, and still think, that the exchange should be simultaneous. You have an excess of officers—more, perhaps, than those now held by us, added to such as we have paroled.

One boat can accommodate all. Why, then, postpone the delivery of equivalents, except to allow distracting questions to intervene, which might defeat the delivery? If you have any paroles, I will acknowledge them; if any are hereafter presented by you, up to the present date, I will acknowledge *them*, if you will give me the same privilege. What can be more fair, equal, and reciprocal than all this? If you think I will press upon you paroles which are not "proper," let us meet together when the officers are brought up, or before. I will offer none to you but such as are most clearly within our former rules of practice. If you will send to City Point all the officers you have, you will receive no detriment.

If there are more than we have, (counting paroles,) I pledge you an equivalent, either in men already delivered to you, or, if you prefer it, in officers hereafter captured, and as soon as captured.

No proclamation or message shall affect the surplus.

Respectfully, your obedient servant,

ROBERT OULD,
Agent of Exchange.

Lieut. Colonel Wm. H. Ludlow,
Agent of Exchange.

Headquarters Department of Virginia, 7th Army Corps,
Fort Monroe, May 22, 1863.

Sir: I have the honor to enclose to you copies of General Orders No. 49 and No. 100 of War Department, announcing regulations and instructions for the government of the United States forces in the field, in the matter of paroles. These, together with the stipulations of the cartel, will govern our army. I would invite your special attention to article 7 of the cartel, which provides that all prisoners of war shall be sent to places of delivery therein specified. The execution of this article will obviate much discussion and difficulty, growing out of the mode, time, and place of giving paroles. No paroles or exchanges will be considered binding, except those, under the stipulations of said article, permitting commanders of two opposing armies to exchange or release on parole at other points mutually agreed on by said commanders.

I am, very respectfully, your obedient servant,

WM. H. LUDLOW,
Lieutenant Colonel and Agent for Exchange of Prisoners.

Hon. Robert Ould,
Agent for Exchange of Prisoners.

CONFEDERATE STATES OF AMERICA,
War Department, Richmond, Virginia, May 22, 1863.

SIR: In several of your late communications you have appealed to me for the release of political prisoners held by us. I am ready to deliver every one of them when you do the same charity. Until then not one of them shall be released, except at our own pleasure. You asked, in a late communication, for the release of the sheriff of Barbour county. Are you aware that you now hold some half dozen or more of harmless and inoffensive old men as hostages, whom you do not even pretend to release, and yet ask the sheriff's deliverance? You have now thousands of helpless non-combatants in your prisons—not arrested as dangerous persons to your armies, but incarcerated because it is supposed they are loyal to their own country. Their number is increasing every day. I will listen to no proposition for the release of non-combatants that is not based upon the delivery of all whom you have in custody, coupled with some distinct written understanding as to future conduct in respect to such captures.

If this is not agreeable, let God save the right. I hope there will be no further mistake between us in regard to this matter. I trust I have made myself sufficiently distinct.

Respectfully, your obedient servant,

ROBERT OULD,
Agent of Exchange.

Lieut. Colonel WM. H. LUDLOW,
Agent of Exchange.

CONFEDERATE STATES OF AMERICA,
War Department, Richmond, Virginia, May 22, 1863.

SIR: You are very well aware that for the last six months I have been presenting to you lists of confederate officers and soldiers and confederate citizens who have been detained by your authorities in their prisons. Some of them, upon my remonstrance, have been released and sent to us. By far the greater number still remain in captivity. I am satisfied that you have made strenuous exertions to have those persons released, and to carry out in good faith the agreements which we have made. Even those exertions have proved of little avail.

Nothing now remains but for me to give you formal notice that our government will resort to retaliation in every case which has heretofore been brought to your attention where the wrong complained of has not been redressed. The confederate authorities will exercise their discretion in selecting such prisoners as they think best, whether officers or privates, in this purpose of retaliation. You will be notified in each case. I am now preparing a list of such officers and men as are reserved for retaliation. As soon as the parties for whom they are held are delivered to us, the hostages will be released.

I have thus frankly informed you of our purposes before they are put into actual execution, for the double purpose of preventing any imputation of bad faith and of giving you an opportunity of saving a resort to so stern a remedy. You have at this moment, in your prisons, confederate officers whom you have held over twelve months without charges or trial. They have been fairly exchanged by our agreements, and ought to have been delivered long ago.

Respectfully, your obedient servant,

ROBERT OULD,
Agent of Exchange.

Lieut. Colonel WM. H. LUDLOW.

HEADQUARTERS DEPARTMENT OF VIRGINIA,
Seventh Army Corps, Fort Monroe, May 25, 1563.

SIR: You threaten retaliation in your letter of the 22d instant, in case certain parties whom you have demanded are not delivered to you. I beg leave to inform you that no deliveries of any kind will be made to you under such threats. If such threats are withdrawn, deliveries can be made of parties properly entitled to release, but not otherwise. Three-fourths or nine-tenths of the cases of which you have furnished memoranda have been released and delivered to you. If, before the necessary investigations in the remaining cases have been made, you put in practice retaliation, either upon our officers or men, I give you formal notice that the United States government will exercise their discretion in selecting such persons as they think best, whether officers or privates, for the purpose of counter retaliation.

I am, very respectfully, your obedient servant,

WM. H. LUDLOW,
Lieutenant Colonel and Agent for Exchange of Prisoners.

Hon. ROBERT OULD,
Agent for Exchange of Prisoners.

CITY POINT, *May* 31, 1863.

SIR: I call your attention again to a matter of which I often heretofore complained. By to-day's arrival you have sent several citizens as prisoners of war, and several discharged soldiers, as also prisoners of war.

One of the men, T. H. Moreland, is put down as belonging to the 1st Kentucky cavalry, who never was in our service in any sort of capacity in his life; who never was in the field, and not even a guerilla or bushwhacker. Captain Mulford heard his statement. He says he was compelled to sign a parole at Louisville as a member of the 1st Kentucky cavalry, under a threat if he did not so do he would be put in prison with ball and chain during the war. He protested against it in the hearing of more than fifty men here, who were here this very day. There are four or five other cases of exactly the same sort in your roll delivered to me this day.

The memoranda are made on your roll. Is this to be allowed?

Respectfully, your obedient servant,

ROBERT OULD,
Agent of Exchange.

Lieut. Colonel WILLIAM H. LUDLOW,
Agent of Exchange.

CITY POINT, *June* 1, 1863.

SIR: I was about proceeding to Fortress Monroe, or as near to it as I would be allowed to go, when Captain Mulford came up the river. I am afraid your proceeding in relation to declarations of the exchanges of your men will lead to complication and difficulty. The Holly Springs capture, according to my recollection, pays off the number due to you at our last interview. You have not sent more than six hundred since, including to-day's arrival. For that number you declare exchanged five regiments, (91st Illinois, 51st Indiana, 73d Indiana, 3d Ohio, and 80th Illinois,) also the captures at Mount Sterling, and the men of the Indianola.

How many the Mount Sterling capture are I do not know, but I am very sure the aggregate of the above greatly exceeds the balance due to you.

I protest against the declarations of exchange where the number is not known and agreed upon by us. You can readily perceive without my statement what grave objections might be made to such a proceeding. Why not make exchanges by rolls of which we can have a copy, and in relation to which we have mutually agreed, as in the Holly Spring capture? How am I to know how many men of the 80th Illinois regiment were taken prisoners, or when or where they were captured? I throw out these observations as suggestions for your reflection. I think you will agree with me that when we or you are in excess of prisoners, neither party should declare any exchange except where the lists have been adjusted between us, and the number declared to be exchanged known and agreed on between us. I do not so much object to your overrunning the number due to you, as the certainty of great complication and prospect of misunderstanding by pursuing the course you have done in this case.

You have not given me any reply even yet to my inquiries in relation to your declaration of exchange as to parties captured at Muldeaughi hill, or the 66th Indiana. I hope I shall not be compelled to wait much longer.

Respectfully, your obedient servant,

ROBERT OULD,
Agent of Exchange.

Lieut. Colonel WILLIAM H. LUDLOW,
Agent of Exchange.

HEADQUARTERS DEPARTMENT OF VIRGINIA, 7TH ARMY CORPS,
Fort Monroe, June 3, 1863.

SIR: You informed me at our last interview that you were instructed not to deliver any of the officers of Colonel Straight's command captured at or near Cedar Bluff, Georgia, about the first of May last. I now make a formal demand for them under the cartel, and tender to you their equivalents in your own officers now in our hands. If this demand and tender be refused, please frankly state the reasons therefor, that the issues presented may be fully understood and promptly met.

I am, very respectfully, your obedient servant,

WILLIAM H. LUDLOW,
Lieutenant Colonel and Agent for Exchange of Prisoners.

Hon. ROBERT OULD,
Agent for Exchange of Prisoners.

HEADQUARTERS DEPARTMENT OF VIRGINIA, 7TH ARMY CORPS,
Fort Monroe, Virginia, June 3, 1863.

SIR: Will you please furnish me with a copy of the act of the confederate congress, which you promised me, and which directs some certain disposition of our captured officers commanding negro troops, and also of the troops themselves.

Will you also please inform me if it be the intention of your authorities to execute this act.

I am, very respectfully, your obedient servant,

WILLIAM H. LUDLOW,
Lieutenant Colonel and Agent for Exchange of Prisoners.

Hon. ROBERT OULD,
Agent for Exchange of Prisoners.

CONFEDERATE STATES OF AMERICA,
War Department, Richmond, Virginia, June 5, 1863.

SIR: You ask me for a frank statement of the reason for the detention of the officers of Straight's command. I will give it to you, as I will in every case when you ask it. I think you will find it franker than your answer to any inquiry as to whether you intended to deliver the officers who have heretofore been declared exchanged.

Allegations have been officially received from the highest authority in Alabama, charging these officers with grave offences, as well against the laws of that State as the usages of civilized warfare. They are detained until the proper inquiry can be made and the fact ascertained, when a determination will be made by the confederate government, whether they come within the obligations of the cartel as prisoners of war, or are to be dealt with as criminals against the laws of war and the State. These men have never been declared exchanged. I believe I have given you a better and certainly a more detailed reason for their detention than you did with reference to Colonel Morehead and other exchanged officers of whom I inquired, and about whom all I could learn was that they were confined in Fort Norfolk, under recent orders from the Secretary of War.

Respectfully, your obedient servant,

ROBERT OULD,
Agent of Exchange.

Lieut. Colonel WILLIAM H. LUDLOW,
Agent of Exchange.

CONFEDERATE STATES OF AMERICA,
War Department, Richmond, Virginia, June 5, 1863.

SIR: I again ask you, will you deliver the officers and men whom our agreements have declared exchanged? Will you not give me an answer to this inquiry? Allow me to quote you, "I now make a formal demand for them under the cartel. If this demand be refused, please frankly state the reason therefor, that issues presented may be fully understood and promptly met."

You say I am mistaken in stating that no federal officers are in our prisons who have been declared exchanged. You promise to furnish memoranda.

You actually refer to one case, that of one Spencer Kellog. I have no recollection of ever having heard of him before. I have already caused inquiry to be made, and if he is here he shall be delivered to you. So shall each and every other officer or man who has been declared exchanged, if you will say you will do the same. I do not care whether there are charges against them or not. If you wish to limit this to officers, I will agree to it. I would prefer it should include the men. Prepare your lists. I have prepared mine. Bring even the men whose deliverance I have asked, and who are already exchanged, and you shall have, at City Point, every prisoner whom you can name as being confined in our territory. If any one is wanting I will pay you tenfold. Will you agree to this? I have told you often, and repeat it now, that there is no reciprocal and fair proposition as to prisoners and exchanges to which I will not agree.

I again say that it is my deliberate conviction that there is not one solitary exchanged federal officer now in confinement in the south, unless Dr. Rucker is made an exception. I honestly believe that you have now in your prisons, or on parole confined to the north, more than two hundred exchanged confederate officers. You must allow me to say that I was amused at the list which

you returned me some time ago; I refer to that which purported to be an answer to the specific cases I had brought to your attention. More than one-half of the cases had "no record" appended to them. Such an entry was made in reference to Dr. Greene; the same as to Clagett Fitzhugh, to Parson Clameron, to Kerchival, and to a hundred others, who have been seen by scores of people within a month or two. Every man on that list, except such as you have already delivered, is now in some one of your prisons. He may not be in the one named; if not, it is because he has been removed in accordance with the tactics of your government or its jailers. I ask again, will you deliver our exchanged officers and men?

Respectfully, your obedient servant,

R. OULD,
Agent of Exchange.

Lieut. Colonel WILLIAM H. LUDLOW,
Agent of Exchange.

CONFEDERATE STATES OF AMERICA,
War Department, Richmond, Virginia, June 5, 1863.

SIR: Will you be good enough to inform me when it is to be considered that General Order No. 100 went into effect. Is the date of the order April 24, 1863, or the date of its communication to me, 23d May, 1863, the true time? Do you recognize the rules of General Order No. 100 to be as binding against you as for you?

Permit me also to call your attention to the flagrant outrages that have recently been perpetrated in Gloucester, Matthews, King and Queen, and the adjacent counties. Are they a fair interpretation of your celebrated general order? I am aware it gives a license for a man to be either a friend or a gentleman. He can find abundant authority for either role in the order. What is the interpretation in General Dix's department? The country has always esteemed him as an honorable gentleman. I enclose a slip, which is inside the truth, recounting some of the doings of Colonel Kilpatrick. Does General Dix approve of this style of conducting war, even with belligerent rebels? It is in his own department. Perhaps the higher powers may have something to do with this question some of these days. "Silent spectators of the destruction of their agricultural implements."

Respectfully, your obedient servant,

R. OULD,
Agent of Exchange.

Lieut. Colonel WILLIAM H. LUDLOW,
Agent of Exchange.

CONFEDERATE STATES OF AMERICA,
War Department, Richmond, Virginia, June 12, 1863.

SIR: I enclose to you the resolution of congress in relation to retaliation. I thought you had seen it in the papers transmitted to you, otherwise I would have sent it. I take it for granted that the confederate authorities purpose to carry out a resolution solemnly passed by them. I have not asked them whether they intend to do so, and I do not think I will ever be so inconsiderate as to make any such inquiry. I have thus frankly given my view as to this matter; and I beg leave to ask you in return whether it is the purpose of your government to execute its conscription act; and further, how many men

will be raised under its provisions. I feel so deep a personal interest in that subject, that I hope I have not transgressed any propriety in propounding the inquiry, after the example you have set me.

Respectfully, your obedient servant,

R. OULD,
Agent of Exchange.

Lieut. Colonel WILLIAM H. LUDLOW,
Agent of Exchange.

CONFEDERATE STATES OF AMERICA,
War Department, Richmond, Virginia, June 12, 1863.

SIR: You are mistaken in supposing that my "proposition to have the releases from paroles and oaths cover other than parties delivered at City Point" was made after I had published notice No. 5. It was made before that date, (May 11th,) and after a full and deliberate discussion between us. You hesitated at first; but when I assured you it only extended to cases of parties who were allowed to leave your territory and come to us, whether by City Point or otherwise, you assented to it in distinct and unequivocal terms. The same provision, in principle, was incorporated in exchange notice No. 4, January 13, 1863. You recognized the same principle in numerous exchanges made after that date, and before May 11, 1863. I have now given the notice in good faith. You can stop its application after May 6th, if you choose to do so. I cannot agree that you shall nullify the notice already given; all persons embraced in it are entirely free from any obligations made by them. It was so distinctly agreed upon between us that there can be no mistake about it. Nothing will make me consent that such men shall be put under any ban or disability, by reason of any action of theirs performed on the faith of this notice. You can have your veto as to the future, but not as to the past. If any penalties are visited upon them, it becomes the solemn duty of the confederate government to throw every protection in its power around them. I am sure it will do so.

Respectfully, your obedient servant,

R. OULD,
Agent of Exchange.

Lieut. Colonel WILLIAM H. LUDLOW,
Agent of Exchange.

HEADQUARTERS DEPARTMENT OF VIRGINIA,
Seventh Army Corps, Fort Monroe, June 14, 1863.

SIR: I assure you that you have not transgressed any propriety in your questions as to the purpose of the United States government to execute its conscription act, and as to the number of men who will be raised under its provisions. I have the honor to inform you, in reply, that the conscription act is now being executed, and that a sufficient number of men will be raised under its provisions to bring this war to a speedy and successful conclusion.

My object in requesting from you a copy of the act of the confederate congress, and information as to intentions to execute it, was to know officially what disposition under the act was proposed to be made of officers and men captured in arms, and who had been duly mustered into the service of the United States, and also that the issues thereby presented could be fully understood and promptly met.

Sections 4, 5, 6 and 7 of this act propose a gross and inexcusable breach of the cartel, both in letter and spirit. Upon reference to the cartel, you will find no mention whatever of what was to be the color of prisoners of war. It was unnecessary to make any such mention, for, before the establishment of this cartel, and before one single negro or mulatto was mustered into the United States service, you had them organized in arms in Louisiana. You had Indians, and half-breed negroes and Indians, organized in arms under Albert Pike, in Arkansas. Subsequently, negroes were captured on the battle-field at Antietam, and delivered as prisoners of war at Aiken's Landing, to the confederate authorities, and receipted for and counted in exchange. And, more recently, the confederate legislature of Tennessee have passed an act forcing into their military service (I quote literally) all male free persons of color, between the ages of fifteen and fifty, or such number as may be necessary, who may be sound in body and capable of actual service; and they further enacted, that in the event a sufficient number of free persons of color to meet the wants of the State shall not tender their services, then the governor is empowered, through the sheriffs of different counties, to impress such persons, until the required number is obtained.

But it is needless to argue the question. You have not a foot of ground to stand upon in making the proposed discrimination among our captured officers and men. I protest against it as a violation of the cartel, of the laws and usages of war, and of your own practices under them.

Passing events will clearly show the impracticability in executing the act referred to. In case, however, the attempt be made to execute it, I now give you formal notice that the United States government will throw its protection around all its officers and men, without regard to color, and will promptly retaliate for all cases violating the cartel, or the laws and usages of war.

I am, very respectfully, your obedient servant,

WILLIAM H. LUDLOW,
Lieutenant Colonel and Agent for Exchange of Prisoners.

Hon. ROBERT OULD,
Agent for Exchange of Prisoners.

HEADQUARTERS DEPARTMENT OF VIRGINIA,
7th Army Corps, Fort Monroe, June 14, 1863.

SIR: General Order No. 100 is considered as having gone into effect from the date of its communication to you, on the 23d of May last, and is, of course, mutually binding.

I am, very respectfully, your obedient servant,

WILLIAM H. LUDLOW,
Lieutenant Colonel and Agent for Exchange of Prisoners.

Hon. ROBERT OULD,
Agent for Exchange of Prisoners.

CONFEDERATE STATES OF AMERICA,
War Department, Richmond, Virginia, June 19, 1863.

SIR: On the 5th day of June, 1863, I requested you to inform me when General Order No. 100 was considered as going into effect. To that you have returned no answer. Its date is April 24, 1863. You delivered it to me on the 23d of May, 1863.

I perceive by a General Order No. 15, March 9, 1863, issued by General

Schenck, that all officers and men who had been captured in his department, and particularly exchanged, should return to duty and service, on penalty of being considered deserters. When you delivered General Order No. 100 to me, I inquired of you as to the date when it went into effect. I understood you to say the date of its delivery. You may, therefore, well imagine my surprise when I perceive that, by the General Order of one of your own departmental commanders, the new provisions as to paroles are not only to have effect from and after March 9, 1863, but are made to apply to all cases previous to that date, without any limitation as to time. This is not only contrary to your own declarations to me, but to our common practice up to May 23, 1863. You have charged against me and received credit for several captures made by General Stoneman's command, in his recent raid. Is it pretended that you are to have credit for captures made by your commands, while none is to be given to us, precisely under the same circumstances? Is this fair, or just, or right?

Respectfully, your obedient servant,

ROBERT OULD,
Agent of Exchange.

Lieut. Colonel WILLIAM H. LUDLOW,
Agent of Exchange.

CONFEDERATE STATES OF AMERICA,
War Department, Richmond, Virginia, July 1, 1863.

SIR: The clear understanding between us as to civilians was that all who had been paroled, or put under any bonds, or who had taken any oath of allegiance, were released from condition of parole, bond and oath, where such civilians were delivered to their own people. It was confined to such as were released and delivered. Such is the fair and proper interpretation of paragraph 8 of notice 5. It would, perhaps, have been better for me to have added the word "delivered" after "released." I did not do so because persons who were *sent* into our lines might not consider themselves as being delivered. I have, however, assured all persons that it only embraces such persons as were delivered to me or my agents, or such as were sent into our lines. If you continue to take exception to the phraseology, I will correct it in my next notice.

Respectfully, your obedient servant,

ROBERT OULD,
Agent of Exchange.

Lieut. Colonel WILLIAM H. LUDLOW,
Agent of Exchange.

HEADQUARTERS DEPARTMENT OF VIRGINIA,
7th Army Corps, Fort Monroe, July 7, 1863.

SIR: I herewith enclose to you a copy of General Order No. 207, which contains some additional provisions to those mentioned in my communication to you of the 22d May last. It is understood that officers of the United States and confederate officers have, at various times and places, paroled and released prisoners of war, not in accordance with the cartel.

The government of the United States will not recognize and will not expect the confederate authorities to recognize such unauthorized paroles. Prisoners released on parole not authorized by the cartel, after my notice to you of the 22d of May, will not be regarded as prisoners of war and will not be exchanged.

When prisoners of war have been released, without the delivery specified in the cartel, since the 22d May last, such release will be regarded as unconditional, and the prisoners released as subject to orders without exchange, the same as if they had never been captured.

I am, very respectfully, your obedient servant,

WILLIAM H. LUDLOW,
Lieutenant Colonel and Agent for Exchange of Prisoners.

Hon. ROBERT OULD,
Agent for Exchange of Prisoners.

HEADQUARTERS DEPARTMENT OF VIRGINIA,
7th Army Corps, Fort Monroe, July 14, 1863.

SIR: I decline to unite with you in your declaration of the exchange of the officers named by you in your communication of the 13th instant just received, and who form a part of those captured at Vicksburg.

In violation of the cartel you now hold in close confinement many of our officers, though their release was long ago demanded and their equivalents tendered to you. You even permitted these equivalents to be sent back to Fort Monroe, from City Point. In this position of affairs, and being in entire ignorance of what you propose to do with our officers now in your hands, I must decline any special arrangements until we meet. This meeting, with your consent, will take place as soon as I shall have received the poroles of the Vicksburg captures. Please, therefore, notify the officers named by you, that their exchange cannot be recognized by our authorities until the declarations be united in by me.

In making arrangements with you for exchanges of paroles of officers, I shall expect to exhaust equivalents of equal rank before we take up those of higher rank.

To settle all difficulties connected with exchanges of officers, I again invite you to a return to the cartel; and if you refuse, I again ask you, why such refusal?

I am, very respecfully, your obedient servant,

WILLIAM H. LUDLOW,
Lieutenant Colonel and Agent for Exchange of Prisoners.

Hon. ROBERT OULD,
Agent for Exchange of Prisoners.

P. S.—The declaration of exchange made by you on the 2d instant leaves you in debt to me between eight and nine hundred men.

HEADQUARTERS DEPARTMENT OF VIRGINIA,
7th Army Corps, Fort Monroe, July 15, 1863.

SIR: In the letter of July 8, of the Hon. Alexander H. Stephens to Hon. Jefferson Davis, giving a report of his mission, appears the following statement: The reasons assigned for the refusal by the United States Secretary of War, to wit, that "the customary agents and channels are considered adequate for all needful military communications and conferences," to one acquainted with the facts, seem not only unsatisfactory, but very singular and unaccountable; for it is certainly known to him that these very agents, to whom he evidently alludes, heretofore agreed upon in a formal conference in reference to the exchange of prisoners, (one of the subjects embraced in your letter to me,) are now, and have been for some time, distinctly at issue on several important points.

The existing cartel, owing to these disagreements, is virtually suspended so far as the exchange of officers on either side is concerned.

As in this statement Mr. Stephens appears to be unacquainted with the facts, may I ask if you will inform him that exchanges of prisoners of war, and the settlement of the intricate and troublesome questions connected therewith, were being proceeded with successfully by us until the issue of the proclamation of the Hon. Jefferson Davis on the 23d of December last, which, in gross violation of the cartel, reserved for execution certain of our captured officers and men. Will you also please inform Mr. Stephens that, in your and my anxious desire to alleviate the horrors of war, the proclamation after a little delay was ignored, and exchanges of officers were resumed. That the exchanges were again interrupted in May last by the operation of an act of the confederate congress, which was another gross violation of the cartel and the laws and usages of war, and which consigned to execution and other punishments certain of our captured officers and men. Will you please furnish Mr. Stephens with a copy of my communication to you and protest of the 14th of June last on this subject, and also inform him that, under that act of the confederate congress, your authorities now retain in close confinement large numbers of our officers, though their release has been demanded and equivalents in your officers tendered, which equivalents have been sent back to Fort Monroe from City Point. Please also inform him that I have again and again invited your authorities to a return to the cartel in exchanges of officers, and that such invitation has not been responded to.

I cannot but believe that, with a statement of these plain facts so well known to you and me, Mr. Stephens will readily see that your authorities are alone at fault, and that he will, in the humane spirit with which he entered on his mission, earnestly recommend the ignoring or repeal of the act of your congress, which is such a clear violation of the cartel, and the fruitful, I may say only source of the practical difficulties now surrounding the exchange of officers.

I have indulged the hope that the magnanimous treatment of your officers captured at Vicksburg and their release upon parole would have prompted the immediate release on parole of all our officers held by you. That hope I have not abandoned.

I am, very respectfully, your obedient servant,

WILLIAM H. LUDLOW,
Lieutenant Colonel and Agent for Exchange of Prisoners.

Hon. ROBERT OULD,
Agent for Exchange of Prisoners.

CONFEDERATE STATES OF AMERICA,
War Department, Richmond, Virginia, July 17, 1863.

SIR: In my communication to you of the 13th instant, declining the exchange of certain officers who had been captured and paroled at Vicksburg, I only did what you yourself have frequently done. On at least one occasion you went further than I presumed to go. You declared your men exchanged, when you had no equivalents to offer. You say, in your letter of the 14th instant, that you decline to unite with me in my declaration, and request me to notify the officers that their exchange cannot be recognized. I call your attention to the 5th article of the cartel, which provides that "each party, upon the discharge of prisoners of the other party, is authorized to discharge an equal number of their own officers or men from parole." I have exercised a clear right under the cartel—one that you have exercised over again and again. I have already delivered to you the equivalents of these officers, which equivalents you may declare exchanged.

My right to declare these officers exchanged does not depend upon your assent.

After I have given you equivalents their exchange is perfected by my declaration, whether you decline to unite with me or not. I shall not, therefore, give the notice which you request.

The officers referred to are already rightfully and properly exchanged. The right to declare officers and men exchanged, where equivalents have been delivered, is one that I cannot yield, and I am unwilling to bind myself by an agreement not to exercise that right "until we meet."

Respectfully, your obedient servant,

ROBERT OULD,
Agent of Exchange.

Lieut. Colonel WM. H. LUDLOW,
Agent of Exchange.

NEW YORK, *July* 22, 1863.

SIR: Your communication of the 15th instant has been forwarded to me here.

There is no authority in the cartel for your proposed declaration of exchange of your officers captured at Vicksburg, in the manner you indicate.

The cartel provides for exchange of equal rank until such are exhausted, and then for equivalents. In consequence of the very much larger number of your officers and men we hold on parole and in confinement, you can give no equivalents for the general officers you desire to have exchanged. You cannot for a moment assume that you can select a general officer and declare his equivalents in those of inferior rank, when we hold the paroles of your officers of the same rank as the latter. But even supposing this arrangement was permitted by the cartel, I do not see how you could avail yourself of it at this time.

You will recollect that since the proclamation of the Hon. Jefferson Davis of December last, and more especially since the passage of the act of the confederate congress in reference to our captured officers, both of which were in violation of the cartel, and have caused in the one case a temporary, and in the other a continued suspension of exchanges of officers, all such exchanges have been subjects of special agreement between us.

To avoid the complications and annoyances of these special agreements, I have again and again urged you to a return of the cartel, but up to the present moment in vain. On the contrary, you retain in close confinement large numbers of our officers, for whom I have made a demand and tendered equivalents.

Until you consent to return to the terms prescribed by the cartel for exchange of officers, I shall not consent to any exchanges of them, except on special agreements. I repeat to you that I decline to unite in your proposed declaration of exchange of officers captured at Vicksburg; and if recaptured, they will be dealt with as violators of their paroles. Ought you not, in justice to these officers, to notify them of the exact condition of their cases, and thus enable them to avoid being placed in false positions?

If you are authorized to deliver our officers now held in close confinement, and to a return to the cartel in exchanges of all officers and men, all the complicated questions which have arisen within the last few months can be promptly disposed of.

I am, very respectfully, your obedient servant,

WILLIAM H. LUDLOW,
Lieutenant Colonel and Agent for Exchange of Prisoners.

Hon. ROBERT OULD,
Agent for Exchange of Prisoners.

CONFEDERATE STATES OF AMERICA,
War Department, Richmond, Va., July 26, 1863.

SIR: Your communication of the 22d contests my declaration of exchanges of officers made on the 17th instant. You say "the cartel provides for the exchange of equal ranks until such are exhausted, and then for equivalents." If you had been at Fortress Monroe, where you could have seen the cartel, instead of New York, from which your letter is dated, you would have written no such paragraph. There is nothing in the cartel which contains any such doctrine, or which favors it. Every provision is against it. Your own and my practice has been opposed to it. I again say to you what I have already stated in my communication of the 17th instant, that your assent is not needed to the declared exchange, and I shall not notify the officers whom I have declared exchanged, as you request. I have allowed you to declare exchanges when the number of prisoners in our hands has been the greater. This has been the case from the day when we first met, in the fall of last year, to the capture at Vicksburg. Now, when you have scarcely received official advices of your superiority in prisoners, you boast of the fact, and declare that I cannot give an equivalent for the general officers I have declared exchanged. The point you make is worth nothing, even as you have stated it. You know we have no lieutenant generals or major generals of yours in our hands. For that reason I have declared them exchanged in privates or inferior officers, at your election. I had the right, under the cartel, to make the choice myself; but I preferred that you should do it, and, therefore, I gave you the notification which I did. If, at any time, you present officers for exchange who have been paroled, and we have no officers of similar rank on parole, you can declare their exchanges in privates. If, at this time, you have any officers of the rank I have declared exchanged, or of any other rank, or if you have any particular organization of privates or non-commissioned officers whom you wish exchanged, you have only to state such fact and your selection will be approved. If you hold the paroles of our officers of any rank, as you state, you have only to present them, and whatever is in our hands, whether on parole or in captivity, will be freely given in exchange for them. You say you have again and again invited me to a return to the cartel. Now that our official connexion is being terminated, I say to you in the fear of God, and I appeal to Him for the truth of the declaration, that there has been no single moment, from the time when we were first brought together in connexion with the matter of exchange to the present hour, during which there has not been an open and notorious violation of the cartel by your authorities. Officers and men, numbering over hundreds, have been, during your whole connexion with the cartel, kept in cruel confinement, sometimes in irons or doomed cells, without charges or trial. They are in prison now, without God in His mercy has released them. In our parting moments, let me do you the justice to say that I do not believe it is so much your fault as that of your authorities. Nay more; I believe your removal from your position has been owing to the personal efforts you have made for a faithful observance, not only of the cartel, but of humanity in the conduct of the war.

Again and again have I importuned you to tell me of one officer or man now held in confinement by us who was declared exchanged. You have to those appeals furnished one, Spencer Kellog. For him I have searched in vain. On the other hand, I appeal to your own records for the cases where your reports have shown that our officers and men have been held for long months, and even years, in violation of the cartel and our agreements. The last phase of the enormity, however, exceeds all others. Although you have many thousands of our soldiers now in confinement in your prisons, and especially in that horrible hold of death, Fort Delaware, you have not for several weeks sent us any prisoners. During those weeks you have despatched Captain Mulford with the

steamer New York, to City Point three or four times without any prisoners. For the first two or three times some sort of an excuse was attempted. None is given at this present arrival. I do not mean to be offensive when I say that effrontery could not give one. I ask you with no purpose of disrespect, what can you think of this covert attempt to secure the delivery of all your prisoners in our hands, without the release of those of ours, who were languishing in hopeless misery in your prisons and dungeons?

Respectfully, your obedient servant,

ROBERT OULD,
Agent of Exchange.

Colonel W. H. LUDLOW,
Agent of Exchange.

CONFEDERATE STATES OF AMERICA,
War Department, Richmond, Virginia, August 1, 1863.

SIR: In the "Army and Navy Official Gazette," of the date of July 14, 1863, I find a letter of Lieutenant Colonel William H. Ludlow, of the date of July 7, 1863, addressed to Colonel J. C. Kelton. In it is the following paragraph, to wit:

"I have the honor also to state that since the 22d of May last, it has been distinctly understood between Mr. Ould and myself that all captures must be reduced to possession, and that all paroles are to be disregarded, unless taken under the special arrangement of commanding officers of armies in the field, as prescribed in section 7 of the cartel."

If Lieutenant Colonel Ludlow means that he had declared to me that such was the rule which had been adopted by the United States in relation to captures and paroles, to go into effect from and after May 23, 1863, he is entirely right. If he means that I at any time consented to adopt or acquiesce in any such rule, he is entirely wrong. All that passed between us on that subject is in writing. The correspondence will interpret itself.

Respectfully, your obedient servant,

ROBERT OULD,
Agent of Exchange.

Brigadier General S. A. MEREDITH,
Agent of Exchange.

OFFICE OF COMMISSION FOR EXCHANGE,
Fort Monroe, Virginia, August 7, 1863.

GENERAL: I have the honor to inform you that by to-day's boat I have received a most earnest and pressing request from Mr. Ould to grant him a meeting as early as possible. I have not yet sought an interview with him, for the reason that Colonel Ludlow has been quite reticent in regard to matters connected with his late business, nor did I wish to see Mr. Ould until I had some specific instructions from the War Department.

From what I can gather in Colonel Ludlow's letter-books, I suppose the following are points to be insisted upon:

1st. The immediate exchange of Colonel Streight and his command.

2d. An agreement that Dr. Green shall be held by the United States government as a hostage for Dr. Rucker; other surgeons to be exchanged.

3d. That all officers commanding negro troops, and negro troops themselves, shall be treated as other prisoners of war, and exchanged in the same way. I

feel constrained, however, for reasons stated above, to ask for full instructions as soon as possible. You may rest assured that I shall enter into no unauthorized agreement with Mr. Ould, nor shall I discuss with him any point on which I am not fully instructed. I have the honor, also, to forward you the enclosed from Mr. Ould, upon which I should like to have your views before seeing him.

I am, general, very respectfully, your obedient servant,

S. A. MEREDITH,
Brigadier General and Commissioner for Exchange.

Major General E. A. HITCHCOCK,
Washington, D. C.

WASHINGTON CITY, D. C.,
August 13, 1863.

SIR: In answer to your communication of the 7th instant, covering the letter of Mr. Ould, of the 5th instant, I have to enclose for your guidance a memorandum from Major General Halleck, approved by the Secretary of War, containing the decision upon the letter referred to, upon which you can confer with Mr. Ould upon your next interview with him, presenting the proposition as a definite one, without argument on your part.

Should the proposal be accepted with authority, you will only need to make the declaration it contemplates. If it should not be accepted, you will please merely transmit any observations which Mr. Ould may desire to present, for such action as may be determined upon at general headquarters.

Very respectfully, your obedient servant,

E. A. HITCHCOCK,
Major General of Volunteers,
Commissioner for Exchange of Prisoners.

General S. A. MEREDITH, *&c., &c.*

HEADQUARTERS OF THE ARMY,
Washington, August 12, 1863.

Robert Ould, agent of exchange of prisoners, in his letter of August 5, to Brigadier General S. A. Meredith, claims that the prisoners captured and paroled by the enemy's forces in Maryland and elsewhere, prior to the 3d of July, should either be regarded as legally paroled or returned to the enemy as prisoners of war.

It will be observed that General Order No. 100, current series, simply announces general principles, which apply only in the absence of special agreements. So far from changing in any way the cartel, Lieutenant Colonel Ludlow notified Mr. Ould, at the time of giving him this order, that our government would regard no parole as binding which was not given in conformity with the provisions of the cartel.

This was not only fully understood at the time, but, it is alleged and believed, has been carried out by the enemy whenever it suited his convenience. It is understood that rebel prisoners illegally paroled by our officers have been returned to the ranks without exchange.

In regard to the prisoners paroled in Maryland and Pennsylvania by General Lee and his officers, it is stated by General Meade that General Lee requested him to appoint a place of exchange in accordance with the provisions of the cartel, and that he (General Meade) declined the proposition.

Nevertheless, in order to disembarrass himself from the care of these prisoners General Lee proceeded to parole them. General Lee's officers in re-

ceiving these paroles, and our officers and men in giving them, knew or ought to have known that they were utterly null and void. And now, after having released our men on illegal paroles, in order to avoid guarding and feeding them, when his army was hard pressed and retreating before General Meade, General Lee, or rather his agent, Mr. Ould, insists that the United States government shall either respect these illegal paroles, or deliver the persons so paroled to the confederate authorities at City Point

This is certainly a most extraordinary demand, and cannot be acceded to. In order, however, to avoid any difficulty on this point, General Meredith will be authorized to agree with Mr. Ould, that all paroles given by officers and men on either side, between the 23d of May and the 3d of July, not in conformity with the stipulations of the cartel, be regarded as null and void, a declaration to that effect being published to the armies of both belligerents.

The other three points mentioned in General Meredith's letter of the 7th instant seem to be fully understood by him. The government of the United States will, under no circumstances, yield either of these points.

The foregoing memorandum has been examined and approved by the Secretary of War.

H. W. HALLECK,
General-in-Chief.

Major General HITCHCOCK.

HEADQUARTERS DEPARTMENT OF VIRGINIA,
Fortress Monroe, August 26, 1863.

SIR: Your communication of the 20th instant, in answer to mine of the 19th, in relation to Mr. Daniel Gerhart, is received. No case is known of the detention in the north of a non-combatant, which assimilates to that of Mr. Gerhart in the south. In all cases of the arrest of non-combatants, it has been upon some special causes making it necessary and proper. If there was a disposition north to arrest citizens of the south, merely as such, the positions of the United States forces would show every one that such arrests could be made almost without limit. If you will state a case parallel to that of Mr. Gerhart, I will refer it at once to the proper authority, and it will no doubt be considered with every disposition to afford relief.

Respectfully, your obedient servant,

S. A. MEREDITH,
Brigadier General and Agent of Exchange.

Hon. ROBERT OULD,
Agent of Exchange, Richmond, Va.

CONFEDERATE STATES OF AMERICA,
War Department, Richmond, Virginia, September 7, 1863.

SIR: I confess my great astonishment in not receiving one word from you in reference to the very grave and important matters which were the subjects of discussion between us in our interview at City Point. That interview took place two weeks ago. You stated that you were not prepared to accept or reject the proposition which I then made, but that you would immediately inform your government of its nature, and give me a speedy answer in person or by letter. Though two boats have been despatched from Fortress Monroe to City Point, and two weeks have elapsed since our meeting, no reference or allusion to the subjects of controversy has been made by you. At our interview

you told me, in answer to my urgent request, that there should be no delay—that not more than a week would elapse before you would be prepared with your answer. Under these circumstances, if you were not ready, every consideration would seem to demand that some excuse should be furnished or the delay explained. As, however, you do not refer to the matter at all, I am left only to draw the conclusion that you do not intend to give an answer to my proposition. I therefore inform you that the confederate authorities will consider themselves entirely at liberty to pursue any course with reference to my written proposition to you which they may deem right and proper under all the circumstances of the case.

Respectfully, your obedient servant,

ROBERT OULD,
Agent of Exchange.

Brig. General S. A. MEREDITH,
Agent of Exchange.

[Exchange Notice No. 6.]

RICHMOND, *September* 12, 1863.

The following confederate officers and men, captured at Vicksburg, Mississippi, July 4, 1863, and subsequently paroled, have been duly exchanged, and are hereby so declared:

1. The officers and men of General C. L. Stevenson's division.
2. The officers and men of General Bowen's division.
3. The officers and men of Brigadier General Moore's brigade.
4. The officers and men of the 2d Texas regiment.
5. The officers and men of Waul's legion.
6. Also all confederate officers and men who have been delivered at City Point at any time previous to July 25, 1863, have been duly exchanged, and are hereby so declared.

ROBERT OULD,
Agent of Exchange.

HEADQUARTERS DEPARTMENT OF VIRGINIA, 7TH ARMY CORPS,
Fort Monroe, Virginia, September 14, 1863.

SIR: In your letter of September 7, declining to exchange General Graham for General Smith, you state "that I appear to be laboring under some strong mistake; that General Smith has already been exchanged, and that I have received the equivalent." On July 14, 1863, my predecessor, Lieutenant Colonel Ludlow, wrote to you, positively declining to unite with you in your declaration of exchange of July 13, and requesting you to notify the officers therein named that their exchange would not be recognized by the authorities of the United States. May I ask who was the equivalent delivered for General Smith? I now repeat to you the notification of Lieutenant Colonel Ludlow, and state that the authorities of the United States will not recognize the exchange of the above officers until united in by me.

Respectfully, your obedient servant,

S. A. MEREDITH.
Brig. Gen., Com'r for Exchange.

HON. ROBERT OULD,
Agent of Exchange.

CONFEDERATE STATES OF AMERICA,
War Department, Richmond, Virginia, September 14, 1863.

SIR: In your letter of the 14th instant you inquired" who was the equivalaet delivered for General Smith." If you will refer to my letters of the 13th and 17th of July you will find out the equivalent. It had been our practice, whenever a special exchange was declared by one party, to allow the other to select the equivalent from prisoners already paroled or delivered. I pursued that course in the case of the Vicksburg general officers. The equivalent could be found in officers and men paroled at Fredericksburg, in pursuance of an agreement between Generals Lee and Hooker. If that was not satisfactory, the equivalent could easily be found in the ten thousand prisoners whom I had released from captivity and sent to City Point. In that ten thousand there was an excess of more than six thousand at least over the number you had delivered at the same place since the last general declaration of exchange. My letter of the 17th of July, contains a fair statement not only of the practice of the agents of exchange, but of the grounds of my authority to declare the exchange of the Vicksburg general officers, including General M. L. Smith. The efforts to cast discredit upon the regular and honorable exchange of these officers is, to use a phrase of your own in one of your letters of the 14th instant," simply ridiculous."

Respectfully, your obedient servant,

ROBERT OULD,
Agent of Exchange.

Brig. General S. A. MEREDITH,
Agent of Exchange.

WASHINGTON CITY, D. C., *September* 18, 1863.

SIR: Your communication of the 14th instant to Colonel Hoffman, enclosing the letter of Mr. Ould of the 11th, is before me.

For the purpose of guarding against a misunderstanding, and an erroneous principle of action on the subject of declaring exchanges, you will inform Mr. Ould that the ex parte declaration of exchange, proposed in his communication to be made the next day, (following the date of that communication,) is deemed to be not only without authority from the cartel, but contrary to the usages of war.

The 5th article of the cartel (General Orders No. 142, 1862) would have authorized Mr. Ould to discharge prisoners of the federal forces, furnishing a list of them, and then to discharge an equal number of his own officers and men from parole. The cartel not only contemplates a mutual exchange of lists, (article 5,) but expressly declares (article 4) that no exchange is to be considered complete until the officer or soldier exchanged for has been actually restored to the lines to which he belongs.

In order to complete the arrangement declared by Mr. Ould, it will be necessary for you to make a declaration of exchange of as many of our officers and men as have been delivered at City Point since the last declaration, provided the number does not exceed the number designated in Mr. Ould's declaration.

Then you can proceed further, and arrange with Mr. Ould for the discharge from parole of any excess which can be balanced either way by officers or soldiers actually on parole. Prisoners of war actually in our hands are not to be exchanged at the present time. You will please be careful not to jeopard this point. You can receive any officers or soldiers whom Mr. Ould may offer at City Point, and arrange with him for a mutual declaration of exchange for those of his officers and men already on parole in the south, grade for grade.

Colonel Hoffman's letter of the 5th ultimo will give you some suggestions

about exchanges, but it will be necessary for you to be exceedingly guarded in framing your declaration to confine its application to rebel prisoners already paroled, and on no account, by any accident, to use language which can give the south a claim upon prisoners now in our actual possession; not but that these will be used for exchange at the proper time, but not while the north has, already delivered and on parole, more than enough to cover all deliveries made or to be made by the south.

Very respectfully, your obedient servant,

E. A. HITCHCOCK,
Major General Volunteers, Commissioner of Exchange.

General S. A. MEREDITH,
Commissioner for Exchanges.

HEADQUARTERS DEPARTMENT OF VIRGINIA,
Fortress Monroe, August 25, 1863.

GENERAL: I have just returned from a meeting with the rebel agent of exchange at City Point, and I have the honor to report to you that, in reply to his letter to me, dated August 5, 1863, wherein he claims "that the prisoners captured and paroled by the rebel forces in Maryland and elsewhere prior to the third of July should either be regarded as legally paroled, or returned as prisoners of war," I made the following proposition, as directed in the letter of the general-in-chief to you of August 12, 1863:

"CITY POINT, VIRGINIA, *August* 24, 1863.

"I propose, on behalf of the government of the United States, that all paroles given by officers and men between the 23d day of May, 1863, and the 3d day of July, 1863, not in conformity with the stipulations of the cartel, shall be regarded as null and void, a declaration to this effect to be published to both armies.

"S. A. MEREDITH,
"*Brigadier General and Commissioner for Exchanges.*"

This was declined, and the following was offered by Mr. Ould:

"CITY POINT, *August* 24, 1864.

"I propose that all paroles on both sides heretofore given shall be determined by the General Orders issued by the War Department of the United States, to wit, No. 49, No. 100, and No. 207 of this year, according to their respective dates, and in conformity with paragraph 131 of General Order No. 100, so long as said paragraph was in force. If this proposition is not acceptable, I propose that the practice heretofore adopted, respecting paroles and exchanges, be continued. In other words, I propose that the whole question of paroles be determined by the General Orders of the United States, according to their dates, or that it be decided by former practice.

"ROBERT OULD,
"*Agent of Exchange.*"

In reply to my demand for the release of Colonel Streight and his command, I was informed that they were in Richmond held as other prisoners of war, and will be exchanged when exchanges of officers are resumed. In relation to Dr. Rucker, Mr. Ould referred me to his letter of August 16, which I have the honor to forward herewith.

To my demand "that all officers commanding negro troops, and negro troops themselves, should be treated as other prisoners of war, and be exchanged a

such," Mr. Ould declined acceding, remarking that they (the rebels) would "die in the last ditch" before giving up the right to send slaves back to slavery as property recaptured; but that they were willing to make exceptions in the case of *free* blacks. He could not exactly tell me how his authorities intended to distinguish between the two, (free and slave,) but presumed that evidence as to the fact of freedom would be taken into consideration. As their laws put slave and free upon the same footing, no comment is necessary.

An informal proposition was made to the following effect: "To exchange officer for officer of the same grade, except such as are in command of negro troops," which was declined.

Mr. Ould expresses a willingness to release all chaplains, provided that one Septimus Cameron, who, he stated, had been in prison for a year, should be released, or indicted for any offence he may have committed. On my inquiring about and urging the release of the members of the sanitary commission, I was informed that they would be set free on making a statement in writing that they had, at any time, been of assistance to rebel soldiers. General Neal Dow has been handed over to the governor of Alabama; Lieutenant Colonel Powell is in Libby prison, Richmond. I have notified the rebel authorities in relation to the two above-named officers, as directed in yours of the 18th ultimo.

The rebel authorities wish to continue exchanging non-commissioned officers and privates as usual, returning as many as we send.

I have given you, I believe, the substance of all that took place, according to your suggestion. I avoided much discussion. No agreement as to exchanges was arrived at.

I am, general, very respectfully, your obedient servant,

S. A. MEREDITH,
Brigadier General and Commissioner for Exchange.

Major General E. A. HITCHCOCK,
Commissioner for Exchange of Prisoners, Washington City, D. C.

WASHINGTON CITY, D. C.,
September 21, 1863.

The communication of the 3d instant from his excellency the governor of Connecticut, on the subject of the crew of the bark Texana, having been returned with an indorsement from Mr. Ould, proposing to discharge said crew "on the release of those similarly situated in federal prisons," you are requested to say to Mr. Ould that I do not know nor can I hear of any prisoners held by us under circumstances corresponding to those of the Texana held in the south. If Mr. Ould will refer specifically to any such prisoners in our hands, they shall be released—it being understood that the cases shall be similar.

The communication from Mr. Ould of the 1st of August, referred to in the indorsement as unanswered, was handed to the Secretary of War on its receipt, who does not think proper to enter into such broad general agreements as proposed, implying so settled a state of things as does not in fact exist.

Very respectfully your obedient servant,

E. A. HITCHCOCK,
Major General Volunteers, Commissioner for Exchange of Prisoners.

General S. A. MEREDITH,
Commissioner for Exchange of Prisoners.

HEADQUARTERS DEPARTMENT OF VIRGINIA,
Fort Monroe, September 23, 1863.

SIR: I have the honor to report to you herewith the result of my interview with the rebel agent of exchange. I called his attention to the fact that his declaration of exchange of the 12th instant was not in accordance with the terms of the cartel; he acknowledged it to be the case, but stated that such had been the practice heretofore between Lieut. Col. Ludlow and himself, and that when one agent declared a special exchange, the other was allowed to select the equivalents; this he expressed a desire that I should do. I expressed my readiness to complete the arrangement which he had "declared," but this could not be consummated, in consequence of the rebel agent's claiming as valid the paroles at Gettysburg and elsewhere, amounting to some 4,800.

Mr. Ould made the following proposition: "That all officers and men on both sides be released, unless there be actual charges against them. If officers or men are held on charges which their government consider unjust, let one or more hostages be held for such. If there be charges against officers and men, and they are not tried on the same within a reasonable time, (to be agreed upon,) they are to be discharged.

I am, general, very respectfully, your obedient servant.

S. A. MEREDITH,
Brigadier General and Commissioner for Exchange.

Major General E. A. HITCHCOCK,
Commissioner for Exchanges, Washington, D. C.

HEADQUARTERS DEPARTMENT OF VIRGINIA,
Fort Monroe, September 24, 1863.

SIR: To meet your declaration of exchange of the 12th instant, I inform you that I have this day announced the following:

"A declaration of exchange having been announced by R. Ould, esq., agent for exchange, at Richmond, Virginia, dated September 12, 1863, to meet the same, in part, as equivalents, it is hereby declared that all officers and men of the United States army captured and paroled at any time previous to the 1st September, 1863, are duly exchanged."

The number of officers covered by the first five sections of your declaration is	1,208	
The number of enlisted men is		14,865
The number of officers covered by 6th section is	72	
The number of enlisted men is		8,014
Making a total of officers	1,280	
And total of enlisted men	22,879	
Aggregate	24,159	
Reduced to enlisted men		29,433
Of the federal troops on parole, there are officers	76	
Enlisted men	19,083	
Aggregate	19,159	
Reduced to enlisted men		19,409
Which gives a balance in our favor of		10,024

I now claim this balance which is due us, and I demand that you return to their paroles all officers and men for whom you have paroled no equivalents, or that you release an equal number from the prisons in Richmond.

Your declaration was wholly unwarranted under the cartel, and it might, with great propriety, be set aside. In it you failed to announce to me the 6th section, as published in the Richmond Enquirer of the 10th instant, which covers 72 officers, and 8,014 enlisted men. You did not, according to the terms of the cartel, furnish me with any "list," or even give me the number of men, by which I could declare equivalents, nor did you give me any time to prepare my announcement. I here deem it incumbent upon me to state that I consider your course in this matter a deliberate breach of good faith on the part of the authorities under whom you act. The 5th article of the cartel (General Orders No. 142, 1862) would have authorized you to discharge prisoners of the federal forces, furnishing a "list" of them, and then you could have discharged an equal number of your own officers and men "from parole." The cartel not only contemplates a "mutual" exchange of "lists," (article 5,) but expressly declares (article 4) that no exchange is to be considered complete, until the officer or soldier exchanged for has been actually restored to the lines to which he belongs.

As to the paroles given at Gettysburg and elsewhere, you made an agreement with my predecessor, Lieutenant Colonel Ludlow, to take effect from May 22, 1863, that all paroles given, not in accordance with the cartel, should be considered null and void. How, then, can you claim as valid the Gettysburg paroles?

If you have any rolls or lists of any men whom you may have paroled that I have not given you credit for, or if there should be any errors in my account, I will be happy to rectify the same.

You declared exchanged, before my predecessor was relieved, certain officers captured at Vicksburg, in which declaration he refused to unite. There are but two officers, I believe, (Generals Stevenson and Bowen,) who are covered by your declaration of the 12th instant. If the other officers named have not been returned to their paroles, as requested by Lieutenant Colonel Ludlow, you are indebted to us for their equivalents. The chief ground of the objection to that declaration is, that at that time there were no equivalents of the same grade in our possession, (the only condition which would have warranted your making the declaration,) and if we consented to it, we would be obliged to offset them by officers of inferior rank.

In making up the number of federal troops to be exchanged, I have included all those mustered out of the service, all discharged, deserted and deceased.

Respectfully, your obedient servant,

S. A. MEREDITH,

Brigadier General and Commissioner for Exchange.

Hon. R. Ould,

Agent of Exchange, Richmond, Virginia.

Washington City, D. C., *September* 26, 1863.

Sir: The proposition submitted as from Mr. Ould, in your letter of the 22d instant, "that all officers and men on both sides be released, unless there be actual charges against them," &c., is not accepted. The effort to make a distinction between officers serving with different species of troops can receive no countenance whatever.

The existing cartel is sufficient to meet all the demands of the laws of war.

Very respectfully, your obedient servant,

E. A. HITCHCOCK,
Major General of Volunteers, &c.

General S. A. MEREDITH,
Commissioner for the Exchange of Prisoners.

RICHMOND, *October* 2, 1863.

SIR: Your communication of the 24th ultimo, declaring that "all officers and men of the United States army captured and paroled at any time previous to the 1st of September, 1863, are duly exchanged," has been received.

You are aware that when I met you, on the 24th of August last, at City Point, I made to you the following proposal, to wit: "I propose that all paroles on both sides heretofore given shall be determined by the General Orders issued by the War Department of the United States, to wit, No. 49, No. 100, and No. 207, of this year, according to their respective dates, and in conformity with paragraph 131 of General Order No. 100, so long as said paragraph was in force. If this proposition is not acceptable, I propose that the practice heretofore adopted respecting paroles and exchanges be continued. In other words, I propose that the whole question of paroles be determined by the General Orders of the United States, according to dates, or that it be decided by former practice." You have neither accepted nor declined either branch of that proposal, although I have, both in personal interview and by letter, solicited you to do one or the other. On the same day you submitted to me your proposition, which, unlike mine, was prepared beforehand, and which is as follows: "I propose, on behalf of the government of the United States, that all paroles given by officers and men between the 23d day of May, 1863, and the 3d day of July, 1863, not in conformity with the stipulations of the cartel, shall be regarded as null and void. A declaration to this effect to be published to both armies." That proposition I immediately declined. I then and there gave you my reasons. In the first place, I informed you that the confederate authorities had never at any time, and did not then, ask that paroles "not in conformity with the stipulations of the cartel" should be regarded as valid. I further told you that an agreement to regard "as null and void" paroles between certain dates, which were "not in conformity with the stipulations of the cartel," was an implication that paroles liable to the same objection before the first-named date, and after the last, *should* be regarded as valid, and was, therefore, necessarily vicious on its very face. I also told you that another reason for declining your proposition was the one which caused you to make it, to wit: That the paroles which had been given to us were *between* the dates embraced in your proposition, while those given to you were before and after. When I made the objection to your proposal that it intimated that paroles "not in conformity with the stipulations of the cartel," before the 23d of May, and after the 3d of July of this year, were to be regarded as valid, I asked you to state in writing that no such intimation was conveyed. This you declined to do, saying somewhat brusquely that you did not wish to have any discussion about the matter. Upon my pressing the subject, however, you put a memorandum at the foot of the proposition, saying that the proposal was in reply to my letter of August 5, 1863, and in lieu of the proposition therein made by me. You would not, did not, disclaim the implication which your proposition contained, nor have you done so since. My letter of the 5th of August only demanded, in compliance with your own General Order No. 100, that if you rejected the paroles, the parties should be

delivered to us. You informed me that you would transmit my proposition to Washington, and give me a speedy answer in person or by letter.

On the 7th of September I complained that no reply had been returned, although two weeks had elapsed and two boats had been despatched to City Point since the date of our interview. At the same time I informed you that the confederate authorities would consider themselves entirely at liberty to pursue any course with reference to my proposition which they might deem right and proper under all the circumstances of the case.

Accordingly, on the 11th of September, in pursuance of this plain intimation, I notified you that on the following day (that being the time when the notice would reach you) I would declare exchanged a portion of the Vicksburg captures. I gave you the divisions, brigades, regiments, and batteries. I also informed you that I had in my possession more valid paroles of your officers and men than would be an equivalent for the exchange I then declared; that, in addition, I had delivered at City Point some ten or twelve thousand men since the last declaration of exchange; that as it had been the practice, however, of the agents of exchange whenever one of them declared a special exchange to allow the other to select the equivalents, I gave you that privilege, and if you did not avail yourself of it I would name the federal officers and men who were discharged from their parole by reasons of the declaration of exchange then made. This notification to you was not only in accordance with former practice, but was sanctioned, if not demanded, by the fifth article of the cartel, which, after providing for the manner in which "each party" may discharge "their" officers and men from parole, says, "thus enabling *each* party to relieve from parole such of *their own* officers and men as the party may choose." I have said this course was in accordance with former practice, and for proof refer you to the letters of Lieutenant Colonel Ludlow, former agent of exchange, of the following dates of this year, to wit: April 6, 8, 13, 19, and 27, May 12, 26, and 30, June 5, 9, and 13, wherein he declared the exchange of federal officers and men. In one of Lieutenant Colonel Ludlow's communications of May 30, 1863, he says, "I have declared exchanged the Holly Springs capture; the ninety-first regiment Illinois volunteers, captured at Elizabethtown, Kentucky, December 27, 1862, and the captures at Mount Sterling on the 22d and 23d of March, 1863, also the officers and men of the Indianola. The exact numbers I have not on hand, but they foot up some hundreds less than the balance due. I will furnish you with the exact numbers as soon as received." The same boat that conveyed that communication brought another written subsequently, but dated the same day, as follows: "I have declared exchanged the fifty-first (51st) regiment Indiana volunteers, seventy-third (73d) regiment Indiana volunteers, and third regiment Ohio volunteers. These number each less than three hundred men, and compose a part of Streight's brigade. I will add to the above declaration the eightieth regiment Illinois volunteers, and fifty-eight (58) men of the first Tennessee cavalry."

The enlisted men alone, designated in *either one* of the communications, exceeded the "balance" due to Lieutenant Colonel Ludlow. The excess in both communications was 2,290, without taking into account "the captures at Mount Sterling on the 22d and 23d of March, 1863."

You will observe that Lieutenant Colonel Ludlow, in these two communications, did not furnish me with "any list, or even give me the number of men, by which I could declare equivalents, nor did he give me any time to prepare my announcement." I quote from your letter of the 24th of September to me. Not only was that the case, but he made a wholesale exchange of the Mount Sterling capture by a simple reference to it as being made on the 22d and 23d of March, 1863, without any designation of corps, division, brigade, regiment, or company. Further than that, I have never to this day been furnished with a list of those captured at Mount Sterling, or even with the aggregate number.

Such, then, were the circumstances, and such the precedents, under which I declared the exchange of September 12, 1863. I have purposely gone into minute and faithful detail in consequence of the extraordinary character of your letter of the 24th of September. You state that you consider my course to be a deliberate breach of good faith on the part of the authorities under whom I act. In a bungling sort of way you have used language which casts an offensive aspersion both upon myself and the government I represent. If there had not been subjects of very grave import to both people referred to in other portions of your communication, I would have treated it with the silent contempt it deserved, and returned it to you without comment. For the first time in the correspondence of the agents of exchange has any such discourtesy occurred. I regret it very much. Heretofore I have had occasion to complain of the action of your government, but it has always been done with decorum. I have never written a word personally offensive to the federal agent of exchange, or insulted his government with a charge of "*deliberate* breach of good faith." It is a matter of very little moment to me what may be your opinion of "my course." There are some people connected with this war who, either from ignorance or passion, seem to have no clear ideas on any subject. The opinion of such, even if uttered in the language of courtesy, is but of little avail, but if expressed with intemperance, only "exalts their folly." There has been no breach of faith on the part of the Confederate States, "deliberate" or otherwise. You were importuned to agree to some fair principle by which paroles could be adjusted and computed. After patient waiting—after failure on your part to respond affirmatively or negatively—the confederate government, through its agent of exchange, did what was demanded by courtesy, and justified both by former practice and the provisions of the cartel.

I now proceed to notice the misstatements of your letter. I will not call them "deliberate," although you had the means of correcting them at your hands, for such phraseology, so open to the imputation of discourtesy and coarseness, finds in such communications as the present only the precedent of your example.

1. Your computation of paroles is incorrect on both sides. As to your item of 1,208 officers and 14,865 men, embraced by the first five sections of my exchange notice, I have no exception to make. Some of our Vicksburg rolls were lost, and I have not the means of making an accurate computation as to them. Your second item, however, of 72 officers and 8,014 men, embracing the sixth section of my exchange notice, is incorrect. In the first place, all the officers *on both sides*, who have been delivered at City Point, are exchanged. They were specially exchanged. Major Mulford knows that fact. All confederate soldiers who were delivered at City Point up to May 23, 1863, including said date, were declared exchanged by Lieut. Colonel Ludlow, while the federal troops were only exchanged up to May 6, 1863. The number of confederate soldiers reduced to privates, delivered at City Point from May 23 to July 25, (the date named in my notice,) is 5,881, instead of 8,014. The rolls show this very clearly. Of the federal troops on parole, you say there are 76 officers and 19,083 men. If these officers are those delivered at City Point, you make an error against yourself. They have been exchanged. From the 6th of May, 1863, (the time of the last exchange of federal troops) to the 1st of September, 1863, (the time named in your notice) I have delivered at City Point alone, in privates, 18,610. All of these are on parole. I have other valid paroles in my possession, amounting to at least 16,000 more. Allowing, therefore, that your Vicksburg computation is correct, you owe me upon the last notice which you have published more than 7,000, instead of my owing you 10,024, as you claim. Many of the 16,000 paroles to which I have referred have been acknowledged by Lieut. Colonel Ludlow in his correspondence. So much as to your computation, and your exchange notice based upon it.

2. You say I failed to announce to you "the sixth section of my exchange notice, as published in the Richmond Enquirer of the 10th instant, which covers 72 officers and 8,014 enlisted men." This is not so. On the 1st of August last I informed you in writing that I had declared exchanged all confederate soldiers who had been delivered at City Point, up to July 20, 1863. No deliveries were made at City Point between July 20 and July 25, and therefore one announcement was the same as the other. I did not inform you of the exchange of the City Point men in my letter of the 11th of September, because I had already notified you on the first of August.

3. You say I did not furnish you with any list, or even give the number of men, by which you could declare equivalents, nor did I give you any time to prepare your announcement. You were furnished with the lists of all paroled men delivered at City Point, numbering, up to September 1, 18,610 men. As to other paroles held by me, you failed to accept or decline the terms upon which they were to be computed and adjusted, and therefore it was useless to send them. You had, or ought to have had, duplicates of many of them in your possession. If there was any particular capture on parole, or any special class of paroled men whom you wished to declare exchanged, you had only to announce that fact, and the lists would be furnished, if I had them and you had not. With what propriety could I send you lists which I believed to be in accordance with the cartel, but which you intimated you would decline to acknowledge? Moreover, according to my interpretation of the cartel, that instrument very clearly gives the right to you to select what federal officers and men shall be relieved from their parole, whenever I discharge our officers and men from their parole. I claim the same right when you declare an exchange of your paroled men. If I had sent you lists of such of your officers and men as were relieved from their parole by my declaration of exchange, I would in effect have violated that provision of the cartel which gives the right to "each party to relieve from parole such of their own officers and men as the party may choose." It was entirely unnecessary for me to give you the number of men whom my notice declared exchanged. They were all Vicksburg captures, or City Point deliveries. You had the rolls of both. You had in your possession as much information as I could communicate, even if I had held the Vicksburg rolls, which I did not. I have already proved to you by the record that the former federal agent, when he declared exchanges, gave neither lists nor the number of men. There is, however, a more recent case. You yourself have just declared a sweeping exchange. You have not furnished me with any lists or designation of corps, division, brigade, regiment, or company, notwithstanding the clamor you have raised about my omission in those particulars. Your objection as to want of time for the preparation of your announcement is a small one at best. The cartel does not make it incumbent upon me to give you time. Your predecessor did not give it to me. The correspondence, however, between us, before the 12 of September, was of such a nature as must have prevented a surprise.

4. I did not make any such agreement with your predecessor, Lieut. Colonel Ludlow, as you state, nor did I ever make any agreement with any one, by which I renounced the right to claim the paroles given at Gettysburg. The first official letter which I ever addressed to you was in relation to this very subject. It bears date August 1, 1863, and is as follows:

"SIR: In the 'Army and Navy Official Gazette,' of the date of July 14, 1863, I find a letter of Lieut. Colonel Ludlow, of the date of July 7, 1863, addressed to Colonel J. C. Kelton. In it is the following paragraph, to wit:

"'I have the honor also to state that, since the 22d of May last, it has been distinctly understood between Mr. Ould and myself that all captures must be

reduced to possession, and that all paroles are to be disregarded, unless taken under the special arrangement of commanding officers of armies in the field, as prescribed in section seven of the cartel.'

"If Lieut. Colonel Ludlow means that he had declared to me that such was the rule which had been adopted by the United States, in relation to captures and paroles, to go into effect from and after May 23, 1863, he is entirely right. If he means that I, at any time, consented to adopt or acquiesce in any such rule, he is entirely wrong. All that passed between us on that subject is in writing. The correspondence will interpret itself.

"Respectfully, your obedient servant,

"ROBERT OULD,
"*Agent of Exchange.*

"Brigadier General S. A. MEREDITH,
"*Agent of Exchange.*"

The General Order No. 100, issued at Washington, which Lieut. Colonel Ludlow communicated to me on the 23d of May, 1863, in its 131st paragraph provides that "if the government does not approve of the parole, the paroled officer must return into captivity, and should the enemy refuse to receive him he is free of his parole." In no communication, in no interview with either Lieut. Colonel Ludlow or yourself, where the subject was under consideration, did I ever fail to demand that if your government rejected the paroles the parties should return into captivity. I had the warrant of your own general order for that demand, but pleaded it in vain. So far from carrying out its own general order, your government, on the 30th of June last, while the order was in force, and before the publication of General Order No. 207, convened a court of inquiry, and required the court to give its opinion on the following point, to wit: whether Major Duane and Captain Michler, captured and paroled on the 28th of June, 1863, should be placed on duty without exchange, or be required to return to the enemy as prisoners of war. The general order required the latter, but the court found that the government was free to place those officers on duty without exchange. The reason given by the court was not that the federal agent and myself had *agreed* to regard such paroles as invalid, but that I had been *notified* they would not be recognized. It is true that I was informed that certain paroles would not be considered as valid, but I was also notified at the same time, by the same hand and through the same instrument, that the "paroled officer" must return into captivity if his parole was not approved. In other words, on that day, May 23, 1863, Lieut. Colonel Ludlow, with little or no comment, delivered to me General Order No. 100 as the rules adopted for the government of the federal army. I never had any intimation that all the provisions of General Order No. 100 did not continue in force, until I received, on the 8th of July, 1863, the following letter from Lieut. Colonel Ludlow:

"FORT MONROE, *July* 7, 1863.

"SIR: I herewith enclose to you a copy of General Order No. 207, which contains some additional provisions to those mentioned in my communication to you of the 22d of May last. It is understood that officers of the United States and confederate officers have, at various times and places, paroled and released prisoners of war not in accordance with the cartel.

"The government of the United States will not recognize, and will not expect the confederate authorities to recognize, such unauthorized paroles. 'Prisoners released on parole, not authorized by the cartel, after my notice to you of the 22d of May, will not be regarded as prisoners of war, and will not be exchanged.'

"When prisoners of war have been released without the delivery specified in the cartel since the 22d of May last, such release will be regarded as unconditional,

and the prisoners released as subject to orders without exchange, the same as if they had never been captured.

"I am, very respectfully, your obedient servant,

"WILLIAM H. LUDLOW,

"*Lieutenant Colonel and Agent for Exchange of Prisoners.*

"Hon. ROBERT OULD,

"*Agent for Exchange of Prisoners.*"

The "notice" referred to in Lieutenant Colonel Ludlow's letter was the delivery of General Order No. 100, with its 131st paragraph. That paragraph was set aside by the provisions of General Order No. 207, which bears date July 3, 1863, three days *after* the submission of the question of the paroles of Duane and Michler to the court of inquiry, two days *after* its finding, and several days *after* our captures in the Gettysburg campaign. On the 7th of July, 1863, Lieutenant Colonel Ludlow substantially informs me that, although he notified me, on the 22d of May, that paragraph 131 of General Order No. 100 was to be and continue in force; yet, under the circumstances of the case, and in view of what had taken place in Maryland and Pennsylvania, said paragraph was not to be considered as being in force at any time after the 22d of May, and General Order No. 207, although it was issued July 3, 1863, should be construed as bearing date the 22d of May preceding.

It will be observed that Lieutenant Colonel Ludlow, in his letter to me of the 7th of July, nowhere says I had made any agreement with him, and yet it bears the same date as his letter to Colonel Kelton. It is apparent on the face of the paper that he is conveying to me certain information for the first time, and that this information is the "additional provisions" of General Order No. 207, one of which set aside paragraph 131 of General Orders No. 100. The court of inquiry in its finding, (see Army and Navy Officers' Gazette, July 14, 1863,) says I was "*notified*," &c. Lieutenant Colonel Ludlow, in his letter to Colonel Kelton, says it was distinctly "*understood*" between Mr. Ould and himself, &c. You, in your letter of the 24th of September, say I made an "*agreement*" with your predecessor. The notification first rises to an understanding, and is then elevated into an agreement. What further promotion it will receive, remains to be seen.

You have charged a deliberate breach of good faith upon the part of the Confederate States. Let me bring to your attention an incident connected with this matter of release from paroles. On March 9, 1863, General Schenck, of immortal memory, issued a General Order No. 15, requiring all officers and men who had been captured and paroled in his department, and particularly in the Shenandoah valley, but who had not been exchanged, to return to duty on penalty of being considered deserters. Your General Order in force at that time—No. 49, February 28, 1863—in section 8, provided, that if the engagement which a prisoner made was not approved by his government, he was bound to return and surrender himself as a prisoner of war. The same General Order No. 49, in the same section 8, uses these memorable words, which I now set up against your present extraordinary claims, to wit: "His own government cannot at the same time disown his engagement and refuse his return as a prisoner." In spite of those honest words General Schenck issued his order, which, to this day, has not been countermanded; in effect, directing not only that such as were captured and paroled after March 9, 1863, should return to duty, but also all who had been captured and paroled under the circumstances named, since the beginning of hostilities, on penalty of being considered deserters.

At that very time, and afterwards, even to as late as Stoneman's raid, the former agent of exchange was charging against me and receiving credit for captures and paroles similar to those repudiated by Schenck's order. It is due to Lieutenant Colonel Ludlow that I should say, that when the matter was brought to his attention, he declared that Schenck's action was without proper

authority, and that I would have credit for such as reported for duty under the order. Still the order was not countermanded, but, on the contrary, has been followed and sustained by General Order No. 207. I have received no returns of such as have reported under Schenck's order, and never will.

In your letter of the 24th of September, and others, you refer, in connexion with our Gettysburg captures, to "paroles not in accordance with the cartel." The phrase figures not only in your correspondence, but in the findings of your courts, and in some of your general orders. Let me here, in the most formal manner, assure you that the confederate government considers the cartel to be binding and imperative to the fullest extent of any and all of its provisions. I have never asked you to respect a parole which is inconsistent with that instrument. You say the Gettysburg paroles are in contravention of the cartel. Let me give you some of them—all or nearly all of them belong to one or the other class:

"I, the subscriber, a prisoner of war, captured near Gettysburg, Pennsylvania, do give my parole of honor not to take up arms against the Confederate States, or to do any military duty whatever, or to give any information that may be prejudicial to the interests of the same, until regularly exchanged. In the event that this parole is not recognized by the federal authorities, I give my parole of honor to report to Richmond, Virginia, as a prisoner of war within thirty (30) days.

"JOHN E. PARSONS,
"*First Lieutenant and Adjutant* 149*th Pennsylvania Volunteers.*"

"I, the subscriber, a prisoner of war, captured near Gettysburg, Pennsylvania, do give my parole of honor not to take up arms against the Confederate States, or to do any military duty whatever, or to give any information that may be prejudicial to the interests of the same, until regularly exchanged. This parole is unconditional, and extended to a wounded officer for the sake of humanity, to save a painful and tedious journey to the rear.

"ROY STOWE,
"*Colonel* 149*th Pennsylvania Volunteers.*"

"We, the undersigned, of the company and regiment opposite our names, do solemnly swear that we will not take up arms against the Confederate States of America until regularly exchanged, in accordance with the cartel, even if required to do so by our government."

"The following named prisoners captured near Gettysburg, Pennsylvania, are paroled on the following conditions, namely: not to take up arms against the Confederate States, or do any military duty whatever, or to give any information that may be prejudicial to the same, until regularly exchanged. This parole is unconditional, and if not recognized by the authorities of the United States government, all pledge themselves to repair to Richmond, as prisoners of war, at the expiration of twenty (20) days from th s date."

Does the cartel contemplate that these officers and men should be returned to duty without exchange? It nowhere says so upon its face. When we were without any cartel, all such paroles, and in fact all military paroles, were respected. The very first act of the agents of exchange was to adjust mutual accounts as to the officers and men who had been captured and paroled before the cartel was signed. If it had been intended by the cartel to repudiate such paroles as were given at Gettysburg, or upon any battle-field, a provision to that effect in distinct terms would have been incorporated in it. That instrument was intended to apply to "all prisoners of war held by either party"—to such as were in military depots or prisons—to such as had been removed from the battle-field or place of capture and reduced into actual possession. It left the force and effect of military paroles and the respect which should be paid to them, to be determined by the usages of civilized nations of modern times. It certainly did not purpose to prevent a wounded officer or man from

entering into a stipulation not to take up arms until exchanged, as the condition of his release when his life would be at the serious risk of forfeit if he did not make the contract. Nor does it anywhere deny the right of any soldier, wounded or not, to bind his government by his military obligation, when he is in the hands of the enemy. The latter part of article 7 does not really controvert this view. That clause intended to give "the commanders of two opposing armies" the power of declaring an exchange of prisoners, with its further right of paroling whatever surplus there might be after the exchange was arranged. Without such clause, the two commanders would have no right to declare an exchange. It was therefore inserted. Until recently nobody ever pretended that the cartel forbid the giving and receiving of ordinary military paroles. The uniform practice under the cartel for nearly a year sanctioned them. Whatever, however, may be the determination as to this matter, it is entirely clear that at the time the Gettysburg paroles were given, your own military law required that if the parole was not approved, the party should return to our lines. Many of the paroles indicate on their face that the persons giving them were aware of that fact. I have therefore demanded that if you reject these paroles, the parties who gave them should be returned to us. The question between us is not so much whether you will regard these paroles as valid, as whether you will comply with a rule of your own making, and which was advertised to us as being the controlling law of the case.

I know not what you mean by your reference on your third page to article 4 of the cartel. All the officers and men whom I declared exchanged were "actually restored to our lines." All of the officers and men whom I requested you to select as equivalents for them in the exchange, "had been restored to your lines." The parties whom I have declared exchanged have not been "returned to their paroles as requested by Lieutenant Colonel Ludlow." I do not understand by what sort of reading of the exchange notice of the 12th of September you make out that only "two officers (Generals Stevenson and Bowen") were exchanged. My letters of July 13, September 11, and Septemtember 26, will inform you of all the Vicksburg prisoners, officers and men, whom I have declared exchanged.

Your objection to the declaration of the exchange of the general officers paroled at Vicksburg, because there were no equivalents of the same grade, is exploded by the provision of the cartel which declares "that men and officers of lower grades may be exchanged for officers of a higher grade."

I have thus answered all the items of your letter of the 24th of September. I regret the extreme length of the reply. I have, however, confined myself to the matter of that letter, and to such subjects as were directly connected with its contents. In a future communication I will call to your attention the instances of the violation of the cartel by the federal authorities. Notwithstanding the expression of their sudden regard for that instrument, I will show they have continued those violations from its date to the present moment. I, now inform you, in view of the recent declaration of exchange made by you coupled with your failure either to agree to or decline the proposition made to you on the 24th of August last in relation to paroles, that the confederate authorities will consider themselves entirely at liberty to pursue any course as to exchange or paroles which they may deem right and proper under all the circumstances of the case. At the same time I am directed to express their entire willingness to adopt any fair, just, and reciprocal rule in relation to those subjects without any delay.

Respectfully, your obedient servant,

ROBERT OULD,
Agent of Exchange.

Brigadier General S. A. MEREDITH,
Agent of Exchange.

WASHINGTON CITY, D. C.,
October 2, 1863.

SIR: Colonel Hoffman has just shown me another "declaration of exchange" made by Mr. Ould, in which you do not appear to have been consulted.

This mode of *ex parte* declarations is altogether inexplicable, being without warrant from any recognized authority, and may lead to unpleasant consequences to the parties declared thus exchanged if again taken prisoners, the nature of which cannot now be determined.

On the subject of the crew of the Texana, please see the indorsement upon your last report on the subject, forwarded by mail to-day.

In your conferences with Mr. Ould on the subject, you can explain that his propositions are not rejected contumaciously, but simply because there are complications in the matter which make it inexpedient to make a general declaration— one circumstance being, that among the prisoners in our hands a considerable number seem to dread nothing so much as being sent south. In many instances they declare a northern prison their choice in preference to being exchanged.

On this account, I wish you to obtain from Mr. Ould, if you can, a *margin*, so that we can, if we have them, make up the required number without taking active *crews*.

It is hoped that the proposal for an exchange of medical officers and hospital attendants will lead to good results, and that chaplains will also be exchanged.

Mr. Ould's statement of the case of Spencer Kellogg, taking the facts to be as he states them, would appear to be satisfactory, though extremely painful, except that so far as his having been a spy before he was captured, is not regarded as an offence to be punished after being captured.

This principle is so laid down in the "code" we published a few months since. But if Kellogg was a deserter, his fate followed the offence of desertion.

I wish it were possible to obtain the release of Doctor Rucker. The belief is universal on this side that he is not legitimately held. Make another trial in his behalf and that of Doctor Greene, whose fate is bound up with that of Doctor Rucker.

Very respectfully, your obedient servant,

E. A. HITCHCOCK,
Major General of Volunteers, Comm'r for Exchange of Prisoners.

General S. A. MEREDITH.

FORT MONROE, VIRGINIA,
October 8, 1863.

SIR: I have the honor to acknowledge the receipt of your letter of October 5, 1863, and in reply I will state, that at my interview with the rebel agent of exchange I demanded the release of Colonel Streight and his command to aid to make up the equivalent for paroled officers and men declared exchanged by him. Mr. Ould declined, on the ground that on the last notice of exchange which we published, the balance was in his favor, at the same time handing me a written statement to that effect, which I had the honor to hand you in person. His reply was the same in relation to Colonel Powell.

Mr. Ould informed me that he should proceed to declare exchanges, whenever he conscientiously felt that he had the right to do so, for the purpose of putting men into the field.

I am, general, very respectfully, your obedient servant,

S. A. MEREDITH,
Brigadier General and Commissioner for Exchange.

Major General E. A. HITCHCOCK,
Commissioner of Exchanges, Washington, D. C.

OFFICE OF COMMISSIONER FOR EXCHANGE,
Fortress Monroe, Virginia, October 8, 1863.

SIR: In accordance with the instructions contained in your letter of the 5th instant, I submitted the letters from S. D. Culbertson and A. McInnes, esqs., therein enclosed, to Mr. Ould, informing him that we knew of no prisoners in our hands held under similar circumstances, and inviting him, if he knew of any, to name them, and make a mutual exchange. I explained to Mr. Ould that the United States authorities did not hold any person a prisoner on the ground that he was a citizen of the south, but always for some special cause. I also informed him that if he could not name any, that within twenty-four hours after any given time the United States authorities could seize any required number of secessionists in the south, to be exchanged for those referred to. Mr. Ould, in reply, stated that, notwithstanding, he would not make any special exchange, but that he was willing to make any arrangement which will be at all reciprocal, and he expresses himself perfectly willing to join in any *general* principle of exchange.

In this connexion I will state that Mr. Ould informed me that the object of the rebel authorities in arresting citizens was a retaliatory measure, and for the purpose of bringing to bear such a pressure on the United States authorities as to cause them to refrain from making more arrests of sympathizers with the south.

I am, general, very respectfully, your obedient servant,

S. A. MEREDITH,
Brigadier General and Commissioner for Exchange.

Major General E. A. HITCHCOCK,
Commissioner of Exchanges, Washington, D. C.

[Exchange Notice, No. 7.]

RICHMOND, *October* 16, 1863.

The following confederate officers and men are hereby declared duly exchanged:

1. All officers and men captured and paroled at any time previous to the first of September, 1863. This section, however, is not intended to include any officers or men captured at Vicksburg, July 4, 1863, except such as were declared exchanged by exchange notice No. 6, September 12, 1863, or are specifically named in this notice; but it does embrace all deliveries made at City Point, or other place, before September 1, 1863, and, with the limitation above named, all captures at Port Hudson, or any other place where the parties were released on parole.

2. The staff of Generals Pemberton, Stevenson, Bowen, Moore, Barton, S. D. Lee, Cummings, Harris, and Baldwin, and of Colonels Reynolds, Cockrell, and Dockery, the officers and men belonging to the engineer corps and sappers and miners, and the fourth and forty-sixth Mississippi regiments, all captured at Vicksburg, July 4, 1863.

3. The general officers captured at Vicksburg, July 4, 1863, were declared exchanged July 13, 1863.

ROBERT OULD,
Agent of Exchange.

HEADQUARTERS DEPARTMENT OF VIRGINIA,
Fort Monroe, October 17, 1863.

SIR: On the 22d day of May, 1863, Lieutenant Colonel Ludlow, the agent of exchange for the United States, enclosed you copies of General Orders No. 49 and No. 100, of War Department, announcing regulations and instructions for the government of United States forces in the field, in the matter of paroles, stating that these orders and the cartel are to govern our forces. When the cartel conflicts with the orders, they must be set aside. The cartel requires that prisoners of war shall be delivered at certain named places, and if they are not so delivered, the paroles cannot be valid. In consequence of the usage which has governed both parties up to that time, instructions were subsequently issued that paroles given before the 22d of May should be considered valid, though deliveries had not been made, as required by the cartel. In order to the putting in force these instructions it was not necessary to ask your consent; we were only bound to notify you that from that time the cartel would be rigidly adhered to by us, and the same course would be exacted of the confederate authorities. If you wish paroles recognized when the parties were not delivered at the places named in the cartel, you "ask that paroles not in conformity with the stipulations of the cartel should be regarded as valid."

I will now proceed to show that your declaration of September 12 was not in accordance with the cartel. Your reference to acts of Lieutenant Colonel Ludlow does not sustain you, for, according to your own letter, Lieutenant Colonel Ludlow was declaring an exchange to cover a "balance due" on declarations previously made by you. The troops thus declared exchanged by Lieutenant Colonel Ludlow are as follows:

51st regiment of Indiana volunteers	371
75th regiment of Indiana volunteers	268
3d regiment of Ohio volunteers	311
Tennessee cavalry	58
	1,008
Paroled at Mount Sterling	463
	1,471

You state that the "excess," without taking into account the Mount Sterling captures, was 2,290, whereas the whole number, including said captures, amount only to 1,471.

If in making up this balance Lieutenant Colonel Ludlow failed to give rolls and numbers, it does not justify you in anticipating a declaration by me, without furnishing me either rolls or numbers, or giving me time to consult the records to make them up for myself. When the paroling is properly done both parties have rolls, and then there can be little difficulty in arranging an exchange to be simultaneously declared.

You state that when the federal troops were declared exchanged to the 6th of May, the confederates were declared exchanged to the 23d of May, inclusive. I have nothing to show that the exchanges on both sides were not alike. The confederate prisoners delivered between the two dates amount to 5,083 privates, and if we have already received equivalents for them they should be deducted from my former computation. Without counting these, the number covered by your declaration of September 12, and the subsequent explanatory declaration of September 26, amounts to 29,450. The number of federal troops on parole to September 1, and declared exchanged, amounts to 23,911. The officers included are those paroled at Gettysburg and elsewhere; not those delivered at City Point. These numbers differ from those given to you before, because, in

making up that calculation, all enlisted men were counted alike, whereas non-commissioned officers should have been counted as two privates.

Giving you the credit for the 5,083 enlisted men which you state were delivered at City Point between the 6th and the 23d of May, and declared exchanged by Colonel Ludlow, you are now in our debt 5,539 enlisted men.

You state that you have in your possession valid paroles amounting to 16,000 men. For all the prisoners that we claim as on parole we can show the rolls of delivery at the places named in the cartel, receipted by confederate officers; and if you can show similar rolls of the 16,000 men you speak of, they will of course be recognized as valid, and you will be credited with them.

Respectfully, your obedient servant,

S. A. MEREDITH,
Brigadier General and Commissioner for Exchange.

Hon. ROBERT OULD,
Agent of Exchange, Richmond, Virginia.

RICHMOND, *October* 20, 1863.

SIR: More than a month ago I asked your acquiescence to a proposition that all officers and soldiers on both sides should be released in conformity with the provisions of the cartel. In order to obviate the difficulties between us, I suggested that all officers and men on both sides should be released, unless they were subject to charges, in which event, the opposite government should have the right of retaining one or more hostages if the retention was not justified. "You stated to me in conversation that this proposition was very fair," (this statement is not true,) and that you would ask the consent of your government to it. As usual, you have as yet made no response. I tell you frankly I do not expect any. Perhaps you may disappoint me, and tell me that you reject or accept the proposition. I write this letter for the purpose of bringing to your recollection my proposition, and of dissipating the idea that seems to have been purposely encouraged by your public papers, that the confederate government has refused or objected to a system of exchanges.

In order to avoid any mistake in that direction, I now propose that all officers and men on both sides be released in conformity with the provisions of the cartel, the excess on one side or the other to be on parole. Will you accept this? I have no expectation of an answer, but, perhaps, you may give one. If it does come, I hope it will be soon.

Respectfully, your obedient servant,

ROBERT OULD,
Agent of Exchange.

Brig. Gen. S. A. MEREDITH,
Agent of Exchange.

CONFEDERATE STATES OF AMERICA,
War Department, Richmond, Va., October 27, 1863.

SIR: In reply to your communication of the 17th instant, I state that General Orders Nos. 49 and 100 were not sent to me at the same time. I received General Order No. 49 long before No. 100 was delivered to me. Their respective dates will show that to be the fact. My own personal recollection is, that General Order No. 100 was never communicated in a letter. It is my habit faithfully to keep all letters written by the federal agent of exchange. A careful search of the records of my office does not disclose any letter from Lieutenant

Colonel Ludlow communicating General Order No. 100. Lieutenant Colonel Ludlow met me at City Point on the 23d of May, 1863, and he then and there delivered to me General Order No. 100, stating that the principles therein announced would, in the future, control the operations of the forces of the United States. No written communication accompanied it. If any one was ever written to accompany it, I never received it. You are in error, therefore, when you say that Lieutenant Colonel Ludlow on the 22d May, 1863, enclosed copies of General Orders No. 49 and No. 100, announcing regulations and instructions for the government of the United States forces in the field in the matter of paroles, stating that these orders and the cartel were to govern your forces, and that when the cartel conflicted with the orders they were to be set aside. Independent of the facts of the case, I am justified in saying that any such communication would have been very extraordinary. It would not only have admitted that the general orders were in violation of the cartel, but would have declared that the later general order which, on its face, was announced to be the controlling law, should be set aside by the provisions contained in an earlier paper.

I again assert that the only notification I ever received as to your successive changes of purpose in the matter of paroles was from your own general orders, according to their respective dates, delivered to me without any further comment than I have already communicated to you.

You further say my "reference to the acts of Lieutenant Colonel Ludlow" does not sustain me. You further say the troops thus declared exchanged by Lieutenant Colonel Ludlow are as follows:

51st regiment Indiana volunteers	371
75th regiment Indiana volunteers	268
3d regiment Ohio volunteers	311
Tennessee cavalry	58
	1,008
Paroled at Mount Sterling	463
	1,471

Permit me to say that I read this paragraph of your letter with very great surprise. In my letter of the 2d instant, which you were contesting, I gave at length the communications of Lieutenant Colonel Ludlow, and by reference to it you will find that not only are the regiments which you have named therein mentioned, but also the Holly Springs capture, numbering 1,383 privates; the 91st Illinois regiment, numbering 649 privates; the officers and men of the Indianola, numbering 69 privates; and the 80th regiment Illinois volunteers, numbering 400 privates. Not only is that the case, but your enumeration of 1,471 privates in the specified regiments is incorrect. The true aggregate is 1,676 privates. You misname one of the regiments also. The regiment declared exchanged was not the 75th Indiana, but the 73d.

In an interview with me at City Point, in the presence of Major Mulford, you admitted that all confederate officers and soldiers delivered at City Point before the 23d of May, 1863, were declared exchanged, while the federal soldiers were only declared exchanged up to May 6, 1863. Yet in your letter written subsequent to this admission you say you "have nothing to show that exchanges on both sides were not alike." Since your letter of the 17th, on our last interview, you made the same admission. If the fact is denied at any time, I stand prepared to prove it.

As to your computation, based upon my declarations of exchange, I refer you to my letter of the 2d of October, 1863. Every statement therein contained is strictly and accurately correct. I again assert, what I am ready to prove, that

I have in my possession more valid paroles of your officers and men than would be an equivalent for the exchanges I have declared up to this date.

Respectfully, your obedient servant,

ROBERT OULD,
Agent of Exchange.

Brig. Gen. S. A. MEREDITH,
Agent of Exchange.

CONFEDERATE STATES OF AMERICA,
War Department, Richmond, Virginia, October 27, 1863.

SIR: I enclose to you a memorandum of the paroles to which I have referred in several recent communications. Most of these paroles, you will observe, are antecedent to May 23, 1863. The reason why these paroles have not been heretofore discharged is, that up to July, 1863, we had the advantage of prisoners and paroles. Not one of these paroles is covered by any declaration of exchange, except the one lately made by you. For no one of them have I received any equivalent. All of them, since the date of your General Order No. 207, were given in pursuance of a distinct agreement between the commanders of two opposing armies. I have many other paroles in my possession, but I have only presented those which are within the terms of your general orders, according to their respective dates.

I understand there are other paroles coming within the same general orders, which were given by your officers and men on the other side of the Mississippi river. They as yet have not reached me. When they do, and when I show they are within the scope of your general orders, I will claim them; otherwise, I will discard them.

I have also received other informal paroles, which I have sent back for correction. These were also within the provisions of your general orders. When they are returned, I will claim them also.

Respectfully, your obedient servant,

ROBERT OULD,
Agent of Exchange.

Brig. Gen. S. A. MEREDITH,
Agent of Exchange.

Tabular statement of the number of valid federal paroles.

[This paper was sent by Mr. Ould to General Meredith, with a letter dated October 27, 1863.]

Where captured.	By whom.	When.	No. of prisoners.
Lavergne, Tennessee	General Wheeler	December 11 and 31, 1862	128
Lexington, Tennessee	General Forest	December 17, 1862	140
Benton Station, Tennessee	do	December 18 and 22, 1862	45
Near Spring creek, Tennessee	do	December 19, 1862	110
Trenton, Tennessee	do	December 20, 1862	684
Near Rutherford Station, Tenn	do	December 21, 1862	144
Union City	do	December 23, 1862	86
Parker's Cross Roads & Dresden	do	Dec. 25, 1862, and Jan. 9, 1863	268
Kentucky and Tennessee	General Morgan	Dec. 7, 1862, and Jan. 27, 1863	190
Tennessee	General Wheeler	Dec. 30, 1862, and Jan. 5, 1863	381
Liberty, Tennessee	General Morgan	Dec. 26, 1862, and Feb. 13, 1863	78
Kentucky and Tennessee	do	Dec. 20, 1862, and Jan. 10, 1863	2,025
Near Murfreesboro', Tennessee	General Bragg	December 31, 1862	559
Galveston and Houston, Texas	Receipted for at Baton Rouge	January 1 and 22, 1863	359
Tennessee	General Wheeler	January 10 and 14, 1863	318
Kentucky and Tennessee	Generals Wheeler & Morgan	Jan. 10 and Feb. 14, 1863	111
Steam-ram Queen of the West	Receipted for at Baton Rouge	February 14, 1863	21
Near Memphis, Tennessee	Jackson's cavalry	do	10
West Liberty and McMinnville	General Morgan	Feb. 14 and March 7, 1863	51
Spring Hill, Tennessee	Bragg's command	March 7, 1863	103
Liberty, Tennessee	do	do	134
Near Rappahannock, Virginia	Major Mosby	do	39
Bourbon county, Kentucky	General Marshall	April 11, 1863	3
Western Virginia	General Jones	do	375
Chancellorsville, Virginia	General Lee	May 1 and 4, 1863	1,709
Western Virginia	General Imboden	May and June, 1863	18
Banks's Ford, Virginia	General Lee	May 4, 1863	128
Fredericksburg, Virginia	do	do	126
Vicksburg and vicinity	Pemberton's command	do	492
Near Monticello, Tennessee	General Pegram	May 25, 1863	19
Hinds county, Mississippi	Captain Reiley, 8th Kentucky	May 26 and June 6, 1863	742
Eastern Virginia	Major Mosby	June 11	16
Rome, Georgia	Bragg's command	April 20 and May 2, 1863	66
Mississippi	do	May 12 and 22, 1863	17
Kentucky and Tennessee	do	May 1 and 20, 1863	85
Holly Springs, Mississippi	General Van Dorn	December, 1862	1,694
Baton Rouge, Louisiana		February 24, 1863	302
Paroled at Salisbury, N. C		May 24, 1863	1,394
Perrysville, Va., & Gettysburg, Pa.	General Lee	July 2, 1863	2,689
Dover, Pennsylvania	General Stewart	do	229
Rockville, Maryland	do	do	157
Paroled at Williamsport	do	July 13, 1863	75
Morris island, South Carolina	General Beauregard	July, 1863	142
Near Chattanooga, Tennessee	General Bragg	September, 1863	2,372
Miscellaneous paroles			33
Total			18,867

OFFICE OF COMMISSIONER FOR EXCHANGE,
Fort Monroe, Virginia, October 29, 1863.

SIR: I am in receipt of your communication of the 20th instant, the tenor of which induces me to make some explanatory statements of facts with which it would seem you need to be reminded.

The system of exchanges of prisoners of war, determined in the existing cartel, was first interrupted by the declared purpose of the confederate government to make certain distinctions in the treatment of a particular class of troops, officers and men, in violation of the provisions of the cartel. This seems to have been the first step towards the irregularities which have culminated in your unequivocal declaration, reported by me to my government on the 18th instant, that "(you) will proceed to declare exchanges whenever (you) conscientiously feel that (you) have the right to do so, for the purpose of putting men into the field."

There can be no objection to your acting conscientiously in any given case, so long as your conscience is enlightened and guided by those laws of war

which require obedience between belligerents to solemn agreements entered into by authorized commissioners, acting in the name of their respective superiors. But if you mean by the expression, your "conscientious sense of right," to substitute this sense of right for the requirements of an existing cartel, I can by no means concede to you that right; and if you do not mean this, I cannot understand what you mean by so vague and general a declaration. Judging by your recent proceedings, it seems that you have declared exchanged all confederate officers and soldiers on parole within what you claim as your lines, up to a very recent date, without having any proper right to do so, either under the cartel or under the laws of war.

The history of this matter, as I understand it, is briefly this: While my predecessor on duty at this place was here in discharge of the duties now committed to me, you at one time made a declaration of exchange, embracing no great number of prisoners of war, not in accordance with the requirements of the cartel, and you invited Colonel Ludlow, my predecessor, to make a corresponding declaration of equivalents. Such a declaration was made by Colonel Ludlow, doubtless without anticipating the magnitude of the evil which appears now as the result of that departure from the cartel, first inaugurated by yourself. Subsequently to my coming on duty here the events of the war threw upon your hands a large body of paroled officers and men, over 30,000, captured by General Grant at Vicksburg; and not long afterwards, some six thousand or more captured by General Banks at Port Hudson.

Suddenly, and without any proper conference or understanding with me, and but a few days prior to the important events at Chickamauga, as if for the express purpose of increasing the force of General Bragg against General Rosecrans, you gave me notice that, on the next day after the date of that notice, you would declare exchanged a large portion of the troops which had been captured by General Grant. When your declaration was made, it covered an indeterminate number of troops, designated by commands, brigades, divisions and corps, no definite number of either officers or men being designated. Up to that time you had delivered at City Point a certain number of prisoners of war for which you had receipts, by which you must have known the number you might claim the right to discharge from their parole. You did not think proper to limit yourself to this number, nor in any proper manner did you refer to it, but made your declaration of exchange in such indefinite terms as made it next to certain that you did not intend to be governed by the cartel.

On referring to the data furnished by the reports of General Grant, and now in the hands of the commissary general of prisoners at Washington, it was ascertained that you had discharged from parole by your declaration a very considerable number of your men, over and above any claim you might pretend to, founded on receipts for prisoners of war delivered from the south according to the cartel. Without referring to fractions, it appeared, from the best data in our hands, that you had discharged *three* for *two*, or one-third more than you were entitled to. You suggested that I should make a corresponding declaration of exchange, when, as I suppose you must have known, you had not delivered to me, nor had you valid paroles of our men, sufficient to cover the number declared exchanged by yourself; and when I proceeded to make the declaration extending to those men you had delivered, and stated to you my objections to your proceedings, you insisted that you had valid paroles for more than the number that you had declared exchanged, though you failed to produce those paroles or to give any account or history of them; and you then proceed to make a further declaration of exchange, ignoring the cartel altogether, basing your action upon no data communicated to me, the whole proceeding resting, as I suppose you will say, upon *your* sense of right, as if you were the only party having a *right* to an opinion on the subject; acting evidently in anticipation of the formal declaration, referred to at the commencement of this communication,

that you will proceed to make declarations of exchange for the purpose of putting troops into the field whenever you think proper; and having now exhausted by a declaration of exchange the paroled prisoners in your hands, you propose to me the delivery of prisoners of war in our hands for whom you have no equivalents, or comparatively but very few, in order, as it were, that you may obtain possession of many thousands more men of your own, delivered or on parole, for the purpose of declaring them also exchanged, and putting them into the field, not in conformity with the existing cartel, nor in accordance with the usages of war, but whenever, in your individual judgment, you may think it proper to do so.

I have only to add that an easy inference from this statement is the answer I have to make to your proposal of the 20th instant, which is not accepted.

Respectfully, your obedient servant,

S. A. MEREDITH,
Brigadier General and Commissioner of Exchange.

Hon. ROBERT OULD,
Agent of Exchange.

WASHINGTON CITY, D. C., *October* 30, 1863.

SIR: I observe that Mr. Ould claims that if the paroles given at Gettysburg by our troops are not to be considered valid, the troops should be returned as captured, because an order requires our commanders to return troops when improperly paroled on the field of battle.

This pretension is so manifestly inadmissible, that I have not thought necessary to answer it in form.

The principles involved are these: paroles on the field of battle, often given in haste by an enemy unable to take care of or secure them, are informal and invalid *by the laws of war.*

As a measure of discipline in the army, an order was issued (the order appealed to by Mr. Ould) requiring officers not to receive, but to return prisoners when thus improperly paroled. This order is purely disciplinary in our service, and has nothing to do with the principle, *the law of war*, by which paroles improperly given are declared to be invalid. It might be considered as designed to give effect to the law of paroles, but in no sense would the conduct of our commanders under this order make valid paroles improperly given. A commander who should disobey this order might be tried for such disobedience, being answerable to the authority by which the order was given, but the requirements of the laws of war on the subject of paroles would be in no manner affected thereby.

Besides, the order to our commanders, referred to, was designed to take effect on the field of battle, or immediately thereafter, on the assumption that prisoners so returned upon the enemy would be left on the field, the enemy being supposed to be in no condition to secure them—the very reason why the law of war makes paroles thus given invalid. But this view is fully justified by the practice of the enemy. In a recent case a party, including Lieutenant Colonel Allston, (recently exchanged,) was informally paroled. The enemy immediately so declared, and ordered every officer and man upon duty. Lieutenant Colonel Allston, however, chose to act individually; and on the ground of having given his parole, he declared that he would not go upon duty until exchanged; and upon this view he delivered himself up to General Burnside, and then, but not until then, he became a prisoner of war. General Burnside considered his case peculiar, as manifesting a high sense of honor, and recommended his immediate exchange, which was accordingly ordered by the Secretary of War.

We do not deny the right to order that party on duty under the circumstances, precisely answering to the case of our own men at Gettysburg.

We do not claim that Lieutenant Colonel Allston was our prisoner under the parole he gave, but because he subsequently delivered himself into the hands of General Burnside.

With these views we claim that the Gettysburg paroles were invalid, and this principle must be adhered to.

Very respectfully, your obedient servant,

E. A. HITCHCOCK,
Major General Volunteers, &c.

Brigadier General S. A. MEREDITH,
Commissioner for Exchange of Prisoners.

CONFEDERATE STATES OF AMERICA,
War Department, Richmond, Virginia, October 31, 1863.

SIR: In relation to your communication of the 23d instant, enclosing a letter from W. P. Wood to General Hitchcock, I submit the following:

More than a year ago, recognizing the injustice of the arrest of non-combatants, I submitted the following proposition to the federal authorities, to wit: "that peaceable non-combatant citizens of both the United and Confederate States, who are not connected with any military organization, shall not be arrested by either the United States or confederate armies within the territory of the adverse party. If this proposition is too broad, let the only exception be the case of a temporary arrest of parties within army lines, where the arresting party has good reason to believe that their presence is dangerous to the safety of the army from the opportunity afforded of giving intelligence to the enemy. It is to be understood, however, in the latter case, the arrest is to cease as soon as the reason for making it ceases, in the withdrawal of the army, or for any other cause. This proposal is understood to include such arrests and imprisonments as are already in force."

Although this proposition, so reasonable and humane in its terms, has been before your government for more than a year, it has never been accepted. I now again call your attention to it. If it does not suit you, I will thank you to suggest any modification. I am willing to adopt any fair and reciprocal rule that will settle this matter on principle. It must, however, be settled by rule. It cannot with any safety be determined by "special cases."

You ask me if I will release your citizens against whom there are no charges. Would it not be more liberal to make that offer on your part as far as our citizens are concerned, before you ask our consent? You have kept confederate citizens in prison for many months without charges. Most of them have never had any charges preferred against them, although, in the opinion of your authorities, there were "special reasons" for their arrest. How easy is it to give or invent a special reason? In all probability there never has been an arrest and imprisonment on either side since this war began, for which there was not "a special cause." An arrest for retaliatory reasons, even, is special.

As far as the arrest of citizens of the Confederate States by our authorities is concerned, we will submit to no interference in any way by the federal government. It is matter with which you have nothing to do. The confederate authorities no not interfere with your arrests of your own people, no matter what injustice has been done to them. Any attempt on the part of the federal government to interpose in cases which only concern our authorities and the people of these Confederate States may be justly styled impertinent and med-

dlesome. As far, however, as the arrests of citizens of the adverse party is concerned, we are at all times ready to adopt any fair and reciprocal rule.

Respectfully, your obedient servant,

ROBERT OULD,
Agent of Exchange.

Brigadier General MEREDITH,
Agent of Exchange.

OFFICE OF EXCHANGE OF PRISONERS,
Richmond, Virginia, October 31, 1863.

SIR: Your communication of the 29th instant has been received, and its extraordinary and groundless statements read with surprise.

You first represent me as having informed you that I would proceed to declare exchanges whenever I conscientiously felt that I had the right to do so, for the purpose of putting men into the field. In another part of your letter I am charged with having stated that I would proceed to make declarations of exchange for the purpose of putting troops into the field whenever I thought proper. Both of these paragraphs are between quotation marks, to indicate that I had communicated them. Moreover, they are mentioned as being my "unequivocal declaration." Upon a faithful examination of my correspondence with you and your predecessor, I can find no instance in which such language has been used by me. Will you inform me of the date of any such communication, or furnish me with a copy of it? If you cannot, you will certainly deem me justified in denouncing your statement as utterly without foundation in truth.

Upon these premises you have proceeded to throw off sundry sentences more flippant than worthy of notice. As usual, however, you finish the paragraph which contains them with a misstatement in asserting that I "have declared exchanged all confederate officers and soldiers on parole" within our lines, "up to a very recent date." I have done no such thing. I specially excepted the larger part of the Vicksburg capture.

You then proceed to give what you call "a history of this matter." That history, like many others, turns out to be a romance. Lieutenant Colonel Ludlow's declarations of exchange, to which I referred in my letter of October 2, 1863, were not made in response to any invitation from me, or in consequence of any previous declarations which I had made. I did not "inaugurate" what you term "a departure from the cartel." The correspondence of the office very clearly shows that fact.

You are wrong also in your statement that the Vicksburg capture was subsequent to your "coming to duty" at Fortress Monroe. I received official communications from Lieutenant Colonel Ludlow as late as July 22, 1863—weeks after the Vicksburg surrender—and none from you until the 25th of the same month.

You charge that the declaration of exchange bearing date September 12, 1863, was made "as if for the express purpose of increasing the force of General Bragg against General Rosecrans." This is also untrue. The declaration was not published until several days after the 12th, although it bore that date. Not one of the officers or men named in that declaration of exchange was on the battle-field of Chickamauga.

You further say I must have known that I had not delivered to you, nor had I valid paroles of your men, sufficient to cover the number declared exchanged by me. I knew exactly the contrary, and so informed you. On the 11th of September, 1863, in announcing the declaration of exchange I would make on the following day, I wrote to you that I had "in my possession more valid

paroles of your officers and men than would be an equivalent for the officers and men" enumerated in the exchange notice. I have made the same statement to you more than once since. I am prepared to prove that it was true each time it was uttered.

You say *your* declaration of exchange extended to those whom I had *delivered.* If you mean that it was limited to such you are incorrect, for it declared exchanged all officers and men of the United States army captured and paroled at any time previous to the 1st of September, 1863, and included many thousands of prisoners taken and paroled by our cavalry and other forces in numerous States of the confederacy, never delivered by me. I have already furnished you a memorandum of at least sixteen thousand of these paroled prisoners.

You say I failed to produce the paroles, or to give any account or history of them. If you mean that I refused to do so, it is not true. I offered to produce them at any time, and importuned you to agree to some principle by which they could be computed and adjusted. When I last met you at City Point you requested me for the first time to send to you a memorandum of the paroles claimed as valid by me. I furnished you with the list on the 27th instant, that being the first day after your request on which a flag of truce boat appeared at City Point.

You say I then proceeded to make a further declaration of exchange, "ignoring the cartel altogether," and resting the whole proceeding, as you suppose, on my "sense of right." There again you are mistaken. I did not rest the proceeding entirely upon my sense of right. I relied, in some measure, upon yours, and to that extent its propriety may be doubtful. In communicating to you exchange notice No. 7, which is the one to which you refer, I wrote to you as follows: "I herewith enclose to you a declaration of exchange, which I shall publish in a day or two. You will perceive it is based upon the declaration of exchange communicated to me in your letter of the 24th of September last. In my notice I have followed your phraseology. I would have preferred another form of declaration, more in accordance with the circumstances of the case. Inasmuch, however, as my declaration to a considerable extent is retaliatory of yours, I have deemed it more appropriate to follow your own form of expression." Your letter of the 24th of September declared that "all officers and men of the United States army captured and paroled at any time previous to the 1st of September, 1863, are duly exchanged." On the 16th of October following I declared exchanged "all (confederate) officers and men captured and paroled at any time previous to the 1st of September, 1863." If that was "ignoring the cartel," as you charge, I only followed your example. Our declarations of exchange were precisely similar, except that in another part of my notice I reserved from its operation the larger part of the Vicksburg paroles. If I had followed your "sense of right," as I then had, and still claim, the right to do, I would have included all.

The confederate authorities take it unto themselves as a proud and honorable boast that they have determined all these matters of paroles and exchanges according to their "sense of right," and not by any views of temporary expediency. In following that guide, they have at least shunned some examples furnished by your government. They have never, in violation of their general orders, and without notice to the adverse party, ordered their paroled officers and men to break their solemn covenant, and, without exchange, lift their arms against their captors. They have, therefore, escaped the pangs of that retributive justice which made your general order of July 3, 1863, though so well suited to the meridian of Gettysburg, invalidate the paroles given at Port Hudson on the 9th of the same month. Upon further reflection, I am sure you will be satisfied that it does not become your authorities, who have chosen, whenever they felt so disposed, without notice, or consent from us, to repudiate the established

usages of exchange and put new constructions upon the cartel, to complain that others have acted according to their sense of right.

Not content with all the misstatements of fact which I have cited, you have, in your letter of the 29th instant, descended to a malignant and wanton aspersion of the motives of the confederate authorities in making the proposal contained in my letter of the 20th instant. You were asked to agree "that all officers and men on both sides should be released, the excess on one side or the other to be on parole." It would have been injustice enough to the many thousands of your prisoners in our hands, and to those of ours in your custody, simply to have declined the proposal. But you have thought proper to add to your refusal the gratuitous insult to the Confederate States of intimating that their fair and honest offer was made for the purpose of putting into the field officers and men fraudulently exchanged. This calumny is as destitute of foundation in fact as it is despicable in spirit.

In conclusion, let me tell you that the purpose of your letter is apparent. It has been well known for a long time that your authorities are opposed to a fair and regular exchange of prisoners under the cartel. In rejecting my proposition you have endeavored to conceal under a cloud of vague charges and unfounded statements, the determination at which your government long since arrived. Why not be frank once? Why not say, without any further subterfuges, that you have reached the conclusion that our officers and soldiers are more valuable, man for man, than yours?

Respectfully, your obedient servant,

ROBERT OULD,
Agent of Exchange.

Brigadier General S. A. MEREDITH,
Agent of Exchange.

WASHINGTON CITY, D. C., *November* 6, 1863.

SIR: Your communication of the 29th ultimo has been received, forwarding what purports to be a tabular statement of the number of valid paroles claimed by Mr. Ould, with a copy of his letter, accompanying it, to yourself, of the 27th ultimo.

This tabular statement covers a claim to 18,867 paroles of federal troops, without distinction of grade; no officers or non-commissioned officers being noticed as among the prisoners. The statement professes to enumerate forty-four places where captures were made, with the names of captors, and dates of capture; the number said to have been captured being carried out in figures.

This statement may include some prisoners captured and paroled according to the laws of war; but, if so, it is impossible to distinguish them by any evidence in the statement itself. A few are said to have been "receipted for" at Baton Rouge, January 22, 1863, and February 14, 1863, which may be verified; and some evidence may come to light confirming the alleged captures by Generals Lee, Bragg, and possibly some others; but, on the whole, the statement is unsatisfactory, and in its present form is regarded as without credit and not entitled to consideration.

The statement does not show in any one instance by whom the prisoners were received, or to whom or even where they were delivered, leaving it to be presumed that they were for the most part paroled on the instant of capture, without authority under the cartel, in not being "reduced to actual possession," contrary to both the laws of war as set forth in Order No. 100 of 1863, and the provisons of the cartel. Order No. 100 merely publishes the laws of war, and the cartel is entirely in harmony with it.

The orders on this subject subsequently issued, and to which Mr. Ould appeals, were expressly designed to give effect to those laws, and to the cartel, and were in no manner intended to abrogate, and neither do they abrogate or modify, the one or the other. If the enemy wishes in good faith to carry out the orders he refers to, the proper course would be to issue similar orders, and for a like purpose; in which case, there might be some hope of a compliance with both the cartel and the laws of war.

Mr. Ould's effort to have recognized certain paroles as valid, which have been informally and improperly made, embracing, so far as we can know from his statements, many *citizens* in Kentucky, Tennessee, and elswhere, (no particular place being named in some instances,) by appealing to northern orders, is a mere perversion of the clear and manifest design of those orders; that design being, as already stated, to enforce, and not to nullify, the laws of war. We appeal to those orders, and intend to be governed by them, and if the enemy would assume them, and be governed by them also, all difficulties on the subject of paroles would cease. By Mr. Ould's mode of application or misapplication of those orders, he would use them to destroy and not to enforce the laws of war.

The laws of war are first in order, imposing obligations upon belligerents; and they continue to be obligatory upon both parties, unless modified by a special agreement under a cartel, which, when agreed upon, becomes the highest authority in all specified cases included in the cartel, leaving the laws of war in full operation in all cases not provided for in the cartel; a cartel being analogous to a treaty of commerce between nations, which may modify the natural laws of trade or commerce, binding both parties to the treaty.

The orders of a general in the field, or of a general-in-chief of one of the belligerents, are only operative within the field of the general's command, and can have no effect to modify either the laws of war or the provisions of a particular cartel. Such orders are purely disciplinary in the army where issued, and can neither bind an enemy, nor can an enemy appeal to them to justify his departure from or violation of either a particular cartel, or the laws of war. A departure from such an order within the army subject to the authority issuing the order might subject the offender to punishment within his own army, but could not be appealed to, to make a parole valid, which, by the laws of war, or by the provisions of a particular cartel, would be disowned as not valid.

While we set forth these principles as binding, we deny emphatically that the orders appealed to by Mr. Ould sanction his departure from the laws of war or the cartel, the express purpose of Order No. 207 (1863) being to enforce the provisions of the existing cartel. It sets out by an appeal, in paragraph I, to the cartel, by its date and the date of the order by which it was published, the provisions of which are to be enforced; and this is again set forward in paragraph II.

Order No. 207 publishes a very important law of war, in paragraph IV, in announcing that "the obligations imposed by the general laws and usages of war, upon the non-combatant inhabitants of a section of country passed over by an invading army, cease when the military occupation ceases; and any pledge or parole given by such persons, in regard to future service, is null and of no effect." This paragraph of Order No. 207 does not originate, it merely announces, the law of war on the subject to which it refers; but it is particularly significant, in view of the probable character of many of the paroles claimed as valid, in the tabular statement furnished by Mr. Ould, in which, under the head of "where captured," the statement uses generalities which can in no sense be received. Thus, captures are said to have been made in "Kentucky and Tennessee;" in "Tennessee;" in "Kentucky and Tennessee," (again;) in "Tennessee," (again;) in "Kentucky and Tennessee," (a third time;) in "Barbour county, Kentucky," (whether soldiers or citizens we cannot tell;) in "Western Virginia;"

in "Western Virginia," (again;) in "Hinds county, Mississippi;" in "Eastern Virginia;" in "Mississippi;" in "Kentucky and Tennessee," (for the fourth time,) &c.

In fine, the statement is wholly informal and without authority.

You will please furnish Mr. Ould a certified copy of this communication.

Very respectfully, your obedient servant,

E. A. HITCHCOCK,
Major General Volunteers, Com'r for the Exchange of Prisoners.

Brigadier General S. A. MEREDITH,
Commissioner for the Exchange of Prisoners.

OFFICE OF COMMISSIONER FOR EXCHANGE,
Fort Monroe, Va., November 7, 1863.

SIR: In your communication of October 27 you state, "that General Orders Nos. 49 and 100 were not sent to you at the same time." I forward you herewith a copy of Lieutenant Colonel Ludlow's letter, enclosing to you the two orders mentioned, and bearing date May 22, 1863.

These two orders announced general rules based on the usages of war, which, in the absence of any specific agreement between belligerents, should govern in paroling prisoners of war; but in this case a cartel had already been agreed upon, and no order of either party could set aside any of its provisions. For instance, a commander, on being captured, might under some circumstances give a parole for himself and his command, without violating General Order No. 100, (which includes General Order No. 49;) but unless the paroling was done at City Point, or other named place, it would be in violation of the cartel, and the paroles must therefore be set aside as invalid. No exception could be taken to this course by the party granting the parole, because the validity of the parole depends on a strict compliance with the provisions of the cartel; and when any other course is followed than that pointed out by that instrument, any claim based upon it must fail. Paragraph 130 of Order 100, which prescribes the duties which a paroled soldier may perform, is also, to some extent, set aside by the cartel, which restricts these duties to a much more limited field than the order. Paragraph 131 is also made inoperative by the cartel, because it could only apply to paroles not given at the points designated for delivery; all such paroles are by the cartel made invalid, and the paroling party could therefore have no pretext for claiming their recognition. If such a claim could be admitted, the effect at Gettysburg would have been, to give to General Lee the privilege of placing his prisoners in our hands, to be delivered to him, at our own charge, at City Point, which is so manifestly absurd that even you cannot claim it. General Order No. 207 was intended simply to announce to the army that the irregular practice of paroling small squads of men and individuals, without rolls or other reliable evidence of any kind, which had very generally prevailed, must be discontinued, and that thereafter the cartel should be rigidly adhered to. This announcement had been made to the confederate authorities through you.

There have been no "successive changes of purpose in the matter of paroles," as you assert, nor changes of any kind, except so far as to return to a strict observance of the cartel; and this is a change, the propriety of which I do not think you can question.

The figures which I gave you in my letter of October 17 were not given as embracing all declared exchanged in General Order 167, of June 8, but only those which Lieutenant Colonel Ludlow used to make up the balance due him after arranging that declaration with you. It was the declaration which Lieutenant Colonel Ludlow made to cover this balance that you cite as the pre-

cedent which authorized you to announce so unexpectedly your declarations of September 12. The 80th Illinois, 311 men—not 400, as you say—was accidentally omitted from my letter, and, by a clerical error, 73d Indiana was written 75th Indiana. Paragraphs 5 and 6 of General Order 167 cover the troops referred to, and other paragraphs cover the captures mentioned by you. Any discrepancy in numbers declared exchanged at that time, on either side, is of little consequence, as up to the date of that order it is assumed that the exchange account was satisfactorily balanced.

Respectfully, your obedient servant,

S. A. MEREDITH,
Brigadier General and Commissioner for Exchange.

Hon. ROBERT OULD,
Agent of Exchange, Richmond, Virginia.

OFFICE OF COMMISSIONER FOR EXCHANGE,
Fort Monroe, Virginia, November 12, 1863.

SIR: I acknowledge the receipt of your communication of October 31.

I would have been surprised at its contents had I not been previously acquainted with your habit of special pleading and of perverting the truth. In the last interview but one which I had with you, you stated to me distinctly and unequivocally that you would make declarations of exchange whenever you conscientiously felt that you had the right so to do, *for the purpose of putting men into the field.* You made this statement not only once, but two or three times. In my previous interviews with you, I had taken the precaution to have verbal propositions of any importance made by you reduced to writing. On this occasion I refrained from my usual course—now much to my regret, as I will do you the justice to say that I have no doubt you have forgotten what occurred at that meeting.

The following extracts from two of your letters will probably serve to convince you that it is highly probable that, while laboring under the excitement hinted at above, you may have made the statement attributed to you. From your letter dated October 2, 1863, I take the following:

"I now inform you, in view of the recent declaration of exchange made by you, coupled with your failure either to agree to or decline the proposition made to you on the 24th of August last, in relation to paroles, that the confederate authorities will consider themselves entirely at liberty to pursue any course as to exchanges of paroles which they may deem right and proper."

Again, in your letter to me of October 16, you stated as follows:

"I reserve to *myself* the right to make further declarations of exchange from time to time, based upon the paroles in my office, until I have declared exchanged a number of confederate soldiers equal to that of federal troops declared exchanged by your last notice."

In these two extracts you arrogate to your government and yourself the right to declare exchanges. Of course, a government in as prosperous a condition as the confederacy, with men in superabundance to put into the field, would not declare men exchanged for that purpose, nor would a high-toned, honorable gentleman, who has reserved to *himself* the right to declare exchanges, use that right with the idea of putting men in the field. Yet it is well known that many officers and men captured at Vicksburg were in the battle of Chickamauga. I deem it proper here to say a few words in relation to the 18,000 paroles which you state you have in your possession, and which you claim as valid. You rest the validity of these paroles (which I have never seen, and which you acknowledge to have been accumulating for many months) on general orders of the United States government, Nos. 49 and 100. These two orders announce

general rules basedon the usages of war; but a cartel having been agreed upon, no order of either party could set aside its provisions, which I have stated to you on several occasions. For instance, a commander on being captured might, under some circumstances, give a parole for himself and his command without violating General Order No. 100 (which includes General Order No. 49;) but unless the paroling was done at City Point or other named place, it would be in violation of the cartel. Nor could exceptions be taken to this course by the party granting the parole, because the validity of the parole depends on a strict compliance with the provisions of the cartel. Paragraph 130 of Order 100, which prescribes the duties that a paroled soldier may perform, is also to some extent set aside by the cartel, which restricts these duties to a much more limited field than the order. Paragraph 131, which you attempt to make so much of, is also rendered inoperative by the cartel, because it could only apply to paroles not given at the points designated for delivery; but all such paroles are by the cartel made invalid, and the paroling party, therefore, has no pretext for claiming their recognition. Had such a claim been admitted, the effect at Gettysburg would have been to give to General Lee the privilege of placing his prisoners in our hands, to be delivered to him at City Point at our own charge—a claim so manifestly absurd that I am surprised that even you should have had the assurance to make it. Yet, on precisely this ground rests the foundation for the 18,000 paroles which you claim as valid.

Paroles on the field of battle, often given in haste by an enemy unable to take care of or receive them, are informal and invalid by the *laws of war*. Most of the paroles above mentioned were taken by guerillas, bushwhackers, and detached commands in the west. No possession was ever had, no delivery was ever made, and no rolls have ever been furnished of those giving them. On the capture of a town by a cavalry raid, the command remained long enough to take the paroles of the unarmed citizens there, and then decamped, leaving the paroled men behind, and forwarding the paroles to accumulate in your office in Richmond; yet you have the assurance to say that you expect the United States government to exchange prisoners legitimately captured in battle, and now held in custody, for such paroles as these.

It is well for you to write letters filled with well-feigned indignation at any imputation upon the integrity or honesty of your government or yourself, for publication in the south, to delude the suffering people there into the belief that you and your government are doing everything to cause a resumption of exchanges; but I feel it my duty to say, that your principles are so flexible, and your rule of action so slightly influenced by a sense of truth, honesty, or honor, that I find it almost impossible to arrive at any fair understanding with you on the subject, and all my efforts thus far, for the above reason, have been fruitless.

In your communication of October 27 you use the following language: "I state that General Orders Nos. 49 and 100 were not sent to me at the same time. I received General Order No. 49 *long before* No. 100 was delivered to me. Their respective dates will show that to be the fact. My own personal recollection is that General Order No. 100 was never communicated in a letter." You then proceed to impress the public with an idea of your careful habits as follows: "It is my habit faithfully to keep all letters written by the federal agent of exchanges." But this most important letter happened to be mislaid! which intelligence you convey to the southern public as follows: "A careful search of the records of my office does not disclose any letter from Lieutenant Colonel Ludlow communicating General Order No. 100." On November 7th I sent you a copy of the letter hereto annexed, copied from Lieutenant Colonel Ludlow's letter-book; but through fear that it might have met the fate of the original and miscarried, I send it again:

"HEADQUARTERS DEPARTMENT OF VA., 7TH ARMY CORPS,
"*Fort Monroe, Virginia, May* 22, 1863.

"SIR: I have the honor to enclose to you copies of General Orders Nos. 49 and 100, of the War Department, announcing regulations and instructions for the government of the United States forces in the field in the matter of paroles. These, together with the stipulations of the cartel, will govern our army. I would invite your special attention to article 7 of the cartel, which provides that all prisoners of war shall be sent to places of delivery therein specified. The execution of this article will obviate much discussion and difficulty growing out of the mode, time, and place of giving paroles. No paroles or exchanges will be considered binding except those under the stipulations of said article, permitting commanders of two opposing armies to exchange or release on parole at other points mutually agreed on by said commanders.

"I am, very respectfully, your obedient servant,

"WILLIAM H. LUDLOW,
"*Lieut. Colonel and Agent for Exchange of Prisoners.*

"Hon. ROBERT OULD,
"*Agent for Exchange of Prisoners.*"

It appears to me that you have been unfortunate on two occasions: first, in forgetting the statement you made to me, alluded to in the beginning of this communication; and second, in your not having received the above letter. As communications between the agents of exchanges go through but two hands, (the assistant agents,) it strikes me as a little extraordinary that out of hundreds the above should be the only one to miscarry.

The denial of facts which abound in your last letter, though they may have some weight in the south, will not avail to convince the people of the north that you are not utterly reckless of integrity and fairness, and full of *finesse* in your declarations of exchanges, and the foundations you claim for them.

Respectfully,

S. A. MEREDITH,
Brigadier General and Commissioner for Exchanges.

Hon. ROBERT OULD,
Agent of Exchange, Richmond, Va.

CONFEDERATE STATES OF AMERICA,
War Department, Richmond, Virginia, November 21, 1863.

SIR: I have received the letter of General Hitchcock, relating to the memorandum of paroles, which I forwarded to you.

General Hitchcock seems to have misapprehended my purpose somewhat in sending you that memorandum. You requested a list of the paroles which I claimed, and the paper which I sent to you was only intended to be understood as a memorandum in the way of notice to you. I did not expect you to agree to recognize the paroles therein referred to in such a general way, upon the mere presentation of the paper. The evidence which supports that memorandum of paroles is on file in my office. If we could only have agreed upon the principle by which they should be computed and adjusted, all the rest would have been easy work. I would have presented the paroles themselves, or authenticated lists of them. The fact that they were given, the circumstances under which they were given, the parties giving them, would all appear upon the face of the papers in proper form. As General Hitchcock seems to indicate a willingness to reopen this matter, I will state for his benefit frankly the principles by which I propose to be governed.

1. I will not claim the paroles of citizens. All the paroles which I will produce will be those of federal soldiers in actual service at the time of capture.

2. I will show the particular locality where the parties were captured, the command to which they belonged, the command which captured them, and the precise date of each transaction.

3. I will accompany the presentation with such full and particular evidence as will enable you to verify the truth of the case by your own records and the statements of your own officers and soldiers.

4. More than thirty of the forty-four items in my memorandum are cases of captures made previous to the 22d of May, 1863. It has never at any time been alleged that I had any notice before that time that paroling upon the battle-field was not to be permitted. The federal authorities have charged against me paroles taken upon the battle-field up to that date, and have received credit for them. I would have received credit for these items many months ago, if you had have had paroles or prisoners of ours to have off-setted against them. I will thank General Hitchcock to inform me upon what principle he can reject those thirty-odd items. If he wants evidence that I have allowed precisely similar paroles, I will furnish it.

5. As to such of the paroles as were given between the 22d of May, 1863, and the 3d of July, (the date of General Order No. 207,) I shall contend that they shall be allowed under the provisions of paragraph 131 of General Order No. 100. I will allow any similar paroles given to you during the same period.

6. As to all paroles given after the 3d of July, 1863, I will allow General Order No. 207 to have full force. No paroles from and after that date are to be valid, unless the paroling is in pursuance of the agreement of the commanders of two opposing armies.

7. In my memorandum the officers and non-commissioned officers are reduced to *privates*. There are but very few, if any, commissioned officers on the lists. They have already been exchanged and checked off. This is of itself proof that your authorities have heretofore recognized these paroles. The lists and paroles will show the grade of all the parties.

8. I have been greatly misunderstood by General Hitchcock, if he thinks I have refused to be governed by your general orders. General Hitchcock says, "We appeal to those orders, and intend to be governed by them; and if the enemy would assume them, and be governed by them also, all difficulties on the subject of paroles would cease." I have already expressed my willingness to be governed by your general orders "on the subject of paroles." It was my original proposition. I adhere to it still. Let, then, "all difficulties cease."

9. If our present difficulties are to cease, let me, for the sake of future harmony, suggest that there be some definite meaning attached to the phrase "commanders of two opposing armies." Who are such commanders? We can readily understand that General Lee and General Meade are such. But is General Thomas the commander of one of the opposing armies at Chattanooga, or is it General Grant? Was General Pemberton the commander of an opposing army, when he was subject to the orders of General Johnston, who was in his immediate neighborhood? Was General Gardner the commander of an opposing army at Port Hudson? If so, is not every one who holds a separate command such a commander? Does size constitute an army? If a captain or lieutenant is on detached service, is he the commander of an opposing army, and can he be released on parole by an agreement made with the officer who captured him, if he is on detached service? I make these inquiries of General Hitchcock in no captious spirit. They do present difficulties to my mind, and I should like to know what is to be considered as the true interpretation of the phrase. All the captures after the 3d of July, 1863, which I ask you to recognize, were in pursuance of "an agreement between the commanders of two opposing armies." I cannot see how any difficulty can arise between General

Hitchcock and myself after his letter, except as to captures between May 22, 1863, and July 3, 1863. They are but very few in number.

I will thank you to send this letter, or a copy of it, to General Hitchcock.

Respectfully, your obedient servant,

ROBERT OULD,
Agent of Exchange.

Brigadier General S. A. MEREDITH,
Agent of Exchange.

OFFICE OF COMMISSIONER FOR EXCHANGE,
Fort Monroe, Virginia, November 25, 1863.

SIR: I have the honor to report to you that I have just returned from an interview with the rebel agent of exchange, Mr. Ould. In consequence of the reports of the terrible cruelties inflicted upon our prisoners in Richmond, which were given to me by the surgeons who were just released, I deemed it a fit opportunity to renew an offer to Mr. Ould, which, though unofficial, I stated to him would, no doubt, if accepted, be carried out by the United States authorities, and which I would urge them to do by every means in my power. The offer was this: To send immediately to City Point twelve thousand or more confederate prisoners, to be exchanged for the federal soldiers now confined in the south. This proposition was distinctly and unequivocally refused by Mr. Ould, on the ground that it would be making twelve thousand or more special exchanges. He stated that the only condition upon which he would agree to the release of our prisoners would be that we should send south a number of confederate prisoners equal to that of federal prisoners in their hands, and parole and send within their lines the balance of the confederates in the custody of the United States authorities.

Very respectfully, your obedient servant,

S. A. MEREDITH,
Brigadier General and Commissioner for Exchange.

Major General E. A. HITCHCOCK,
Commissioner of Exchanges, Washington, D. C.

WASHINGTON CITY, D. C., *November 23, 1863.*

SIR: Your note, forwarding a copy of Mr. Ould's letter of the 18th instant, addressed to yourself as an answer to my letter of the 13th, has been received. Mr. Ould, I perceive, states that our prisoners in Richmond receive the same rations as soldiers in the field, "according to the regulations."

The "regulations" may be such as Mr. Ould states them to be, but that our prisoners receive the "rations" as stated is contradicted by all the evidence that has reached me outside of Mr. Ould's statement; and this evidence rests upon the statements of eye-witnesses, and of actual sufferers under the treatment received in Richmond and at Belle Isle, besides the testimony of facts disclosed by the visible condition of a delivery of some one hundred and eighty prisoners made at City Point, many of whom died before reaching Fort Monroe from *starvation*, according to the judgment of a competent medical officer.

Upon the evidence above stated, the Secretary of War ordered supplies to be sent for distribution to the remaining prisoners; and this state of things induced the letter of the 13th instant, proposing to receive on parole the prisoners, and to hold them off duty until exchanged, independently of all existing difficulties on the subject of exchange.

Mr. Ould declines this offer, and proposes that if we will send to the south the prisoners in our hands they will send ours to us, "the excess on one side or the other to be on parole."

Whatever appearance of verbal fairness there may be in this, the conduct of Mr. Ould, in connexion with recent declarations of exchange, will not permit us to regard this proposal as made in good faith, and we cannot rely upon its being carried out by the enemy.

In the first place, the proclamation of Mr. Davis, and other public acts of those in power in the south, remain in full force, so far as we know, and are actually being enforced in the south, by which a distinction is made between classes of troops employed by the United States, and officers serving with colored troops, if taken prisoners, do not receive, and are not to receive, the treatment due to prisoners of war, whilst the enlisted men of colored troops, when taken prisoners, it has been publicly declared, shall be sold into slavery. That this distinction is made actual in the treatment of prisoners of war we know in some cases, and have much reason to apprehend it in others which have not been permitted to see the light.

We have positive information of the fact that two colored seamen of the United States marines were captured near Charleston and were not treated as prisoners of war. Two free colored young men, with a Massachusetts regiment, were captured near Galveston and publicly sold into slavery.

In a recent case I made a proposal to release mutually all chaplains, and the proposal was "cordially accepted;" but although we delivered about or more than twice the number we received, the enemy held back the chaplain of a Massachusetts colored regiment, who was confined and in irons at Columbia, South Carolina. In addition to these facts, Mr. Ould, not long since, declared that he would proceed to make declarations of exchange whenever he conscientiously felt that he had the right so to do, for the purpose of putting men into the field.

If this announcement means anything at all, it means that the usages of war, and the express provisions of the cartel, are subordinate to the individual determination and purposes of Mr Ould on the subject of declarations of exchanges; and, as a consequence, we must suppose that if Mr. Ould can obtain possession of the "excess" of prisoners now in our possession, he will "proceed" to declare them exchanged, and put them into the field upon what he might allege as his sense of right. When called upon for an explanation, he would prepare what he might call a "tabular statement of paroles," as he recently did, made up from guerilla captures of citizens in remote parts of the country, set down as captured at such places as Kentucky, as Tennessee, as Mississippi, as at such a place as Kentucky and Tennessee, not in any instance properly reporting to whom delivered.

Mr. Ould has shown the latitudinarian construction he puts upon his powers, and the nature of his sense of *right*, by writing a letter on the 10th October, which he has not thought it necessary to communicate to us, but which has been published in a Richmond paper, by which he took upon himself the power to declare that the whole number of men delivered by General Banks at Mobile, embracing several thousand men captured at Port Hudson, were under no obligation to observe their parole.

Mr. Ould has been a mere agent under the cartel, and when a question comes up as to the import of the cartel, its meaning, &c., Mr. Ould has no power to decide the question, for that belongs to the parties by whose authority the cartel was made.

The cartel provided two places for the delivery of prisoners of war—City Point and Vicksburg; but it provided, also, that when these places, or either of them, should become unavailable by the exigencies of war, some other point might be agreed upon.

Vicksburg having fallen into our hands became unavailable, as contemplated by the cartel; and General Banks agreed with the rebel commander in the field that General Banks would deliver the Port Hudson prisoners on parole, and they were delivered accordingly. Mr. Ould knew that those men were unconditionally in the hands of General Banks. They had been "reduced to possession," and had been taken to New Orleans, and might have been sent north if General Banks pleased. Instead of sending them to the north to swell the number of prisoners of war in our hands at the north, General Banks confided in the honor of a rebel commander, and "agreed" to parole these men at Mobile, Vicksburg being by the exigencies of war no longer available as a place of delivery.

In that state of things Mr. Ould takes upon himself to decide that the delivery at Mobile was invalid, that place not being named in the cartel for the delivery of prisoners.

With a sense of right so obtuse as this act indicates, it is doing no injustice to Mr. Ould to say that we cannot confide in any pledge he would make to carry out a special agreement; and we must accordingly decline to acquiesce in any measure which would throw into his hands a large body of prisoners of war under parole, to be by him released from its obligations according to his sense of right.

You will understand from the above statement that Mr. Ould's decision touching the prisoners delivered by General Banks is not recognized as justifiable or valid, and that we claim that they are still prisoners of war on parole.

Very respectfully, your obedient servant,

E. A. HITCHCOCK,

Major General Vols., Comm'r for Exchange of Prisoners.

Brigadier General S. A. MEREDITH,

Commissioner for Exchange of Prisoners.

WASHINGTON CITY, D. C., *November* 28, 1863.

SIR: I have read the copy you forwarded of Mr. Ould's communication of the 21st instant, in which, I perceive, Mr. Ould thinks I misapprehend his purpose in forwarding the "tabular statement" of alleged valid paroles made chiefly in the west and south. I suppose that the tabular statement was sent to you in explanation of the large number of prisoners declared exchanged by Mr. Ould, the propriety of which had been very properly questioned by you. If that was not the purpose of the statement, I regret that it fell under my notice. If Mr. Ould wishes either to present another "statement," or to furnish detailed explanations of that already before us, it will be time enough to consider the points he may raise when he presents them. In the mean time, I think it necessary to observe that neither Mr. Ould, yourself, or myself, have powers outside of the cartel, except those plainly necessary for the execution of its provisions; but in this connexion, I must affirm that the first *shocks* given to the free and continued execution of the provisions of the cartel came from Mr. Davis in his "message" of the 12th of January, of the present year, in which he declares his purpose of delivering to the several State authorities south all commissioned officers of the federal army who might be captured, to be tried under State laws for the crime of exciting servile insurrections. This stands yet as the avowed purpose of the chief executive of the States engaged in rebellion. It has not been annulled in any form whatever; nor has the act of the southern congress in support of Mr. Davis's views been in any manner repealed or disavowed. Without looking any further, I appeal to this as a full justification of the federal commander-in-chief in suspending the operation of that portion of article 4 of the cartel, which requires all "prisoners of war to be

discharged on parole in ten days after their capture;" it being manifest that the authorities south could not parole prisoners according to the cartel, and carry out their declared purpose of delivering the officers over to State authorities to be tried as *criminals* under State laws.

Whatever may have been the reason why the declared purpose of Mr. Davis has not been extensively carried into effect, the fact of the existence of that purpose, sanctioned, as we know it to have been, is a sufficient reason on our part for not delivering prisoners on parole particularly, as there is every reason to believe that the purpose of Mr. Davis has only been arrested by the fact that, by the fortune of war, we had in our hands more prisoners than were held in the south. In addition to the above, the treatment of colored troops, (which make an integral portion of the federal army,) when captured in the south, is too well known to permit us for a moment to suppose in the present state of things that there is any design in the south to treat that class of troops according to the laws of war applicable to other troops of the federal army; and until the southern authorities make some distinct declaration of a purpose to treat colored troops and their officers in the employment of the United States government in all respects according to the laws of war, as applicable to other troops, we cannot recede from the position taken by the commander-in-chief above referred to. The wisdom and the necessity of existing orders on this subject will sufficiently defend the measure in view of the *threats* and *practices* of the south, which only need to be known to justify this measure.

It is very well known that Colonel Ludlow made these subjects the frequent topic of conversation with Mr. Ould, without producing any impression on Mr. Ould, tending to the point of inducing a declaration by authority from the south that all officers of the federal army, as well as enlisted men, shall receive, when captured, the treatment due to prisoners of war, with the express declaration that colored troops, both officers and men, shall receive similar treatment.

You will please communicate these views to Mr. Ould, with a request that he will lay them before his government.

Very respectfully, your obedient servant,

E. A. HITCHCOCK,
Major General Vols., Comm'r for Exchange of Prisoners.

Brigadier General S. A. MEREDITH,
Commissioner for Exchange of Prisoners.

HEADQUARTERS 18TH ARMY CORPS,
DEPARTMENT OF VIRGINIA AND NORTH CAROLINA,
Fortress Monroe, December 17, 1863.

GENERAL: You are instructed to take charge of the matter of exchange of prisoners at City Point, and the prisoners at Point Lookout, Fort McHenry, and at Fort Norfolk, are put under your charge for that purpose, and such others will be sent you from time to time, upon notification to the War Department, as may be thought advisable.

You are herein instructed not to make any exchange which shall not return to you, man for man, officer for officer of equal rank, with those paroled and sent forward by yourself, regarding, of course, for motives of humanity, in the earlier exchanges of those officers and men, on either side, who have been the longest confined.

Colored troops and their officers will be put upon an equality in making exchanges, as of right, with other troops.

Colored men in civil employment, captured by the enemy, may also be exchanged for other men in civil employment taken by our forces.

You are permitted, in conducting the exchange, to waive for the present the

consideration of the questions of parole and excess now pending between the confederate belligerent authorities and this government, leaving them untouched as they stand, until further interchange of views between those authorities and yourself.

In conducting this delicate and, perhaps, difficult matter, you will see to it that in no degree the protection of the government is withdrawn from colored soldiers of the United States and the officers commanding them, and that, in no respect, so far as results from your action, the honor or dignity of the government shall be compromised.

Brigadier General Meredith is ordered to report to you, and will be relieved from further duty as commissioner of exchange, except under your orders.

The conduct of the flag of truce, and the necessary transportation to carry out these instructions, are placed at your disposal.

You will report, as often as practicable, to this department your action under this letter of instruction and for further instruction,

By order of the Secretary of War.

E. A. HITCHCOCK,
Major General of Volunteers and Comm'r for Exchange of Prisoners.

A true copy.

E. A. HITCHCOCK,
Major General of Volunteers.

WAR DEPARTMENT,
Washington City, December 16, 1863.

GENERAL: You will proceed immediately to Fortress Monroe, and take any measure that may be practicable for the release, exchange, or relief of United States officers and soldiers held as prisoners by the rebels.

You are authorized and directed to confer with Major General Butler on the subject, and may authorize him, as special agent, commissioner, or otherwise, to procure their release or exchange upon any just terms not conflicting with principles on which the department has heretofore acted in reference to the exchange of colored troops and their officers, and not surrendering to the rebels any prisoners without just equivalents. You may, if you deem it proper, relieve General Meredith, and direct him to report to the Adjutant General for orders.

Yours, truly,

EDWIN M. STANTON,
Secretary of War.

Major General HITCHCOCK,
Commissioner of Exchange of Prisoners.

A true copy.

E. A. HITCHCOCK,
Major General of Volunteers.

General Orders, No. 142. } WAR DEPARTMENT, ADJUTANT GENERAL'S OFFICE,
Washington, September 25, 1862.

The following is the cartel under which prisoners are exchanged in the existing war with the southern States:

HAXALL'S LANDING, ON JAMES RIVER, VA.,
July 22, 1862.

The undersigned, having been commissioned by the authorities they respectively represent to make arrangements for a general exchange of prisoners of war, have agreed to the following articles:

ART. 1. It is hereby agreed and stipulated that all prisoners of war held by either party, including those taken on private armed vessels known as privateers, shall be discharged upon the conditions and terms following:

Prisoners to be exchanged man for man and officer for officer; privateers to be placed upon the footing of officers and men of the navy.

Men and officers of lower grades may be exchanged for officers of a higher grade, and men and officers of different services may be exchanged according to the following scale of equivalents:

A general commanding in chief or an admiral shall be exchanged for officers of equal rank, or for sixty privates or common seamen.

A flag officer or major general shall be exchanged for officers of equal rank, or for forty privates or common seamen.

A commodore carrying a broad pennant or a brigadier general shall be exchanged for officers of equal rank, or twenty privates or common seamen.

A captain in the navy or a colonel shall be exchanged for officers of equal rank, or for fifteen privates or common seamen.

A lieutenant colonel or a commander in the navy shall be exchanged for officers of equal rank, or for ten privates or common seamen.

A lieutenant commander or a major shall be exchanged for officers of equal rank, or eight privates or common seamen.

A lieutenant or a master in the navy or a captain in the army or marines shall be exchanged for officers of equal rank, or six privates or common seamen.

Master's mates in the navy or lieutenants and ensigns in the army shall be exchanged for officers of equal rank, or four privates or common seamen.

Midshipmen, warrant officers in the navy, masters of merchant vessels, and commanders of privateers, shall be exchanged for officers of equal rank, or three privates or common seamen.

Second captains, lieutenants, or mates of merchant vessels or privateers, and all petty officers in the navy, and all non-commissioned officers in the army or marines, shall be severally exchanged for persons of equal rank, or for two privates or common seamen; and private soldiers or common seamen shall be exchanged for each other, man for man.

ART. 2. Local, State, civil, and militia rank, held by persons not in actual military service, will not be recognized, the basis of exchange being the grade actually held in the naval and military service of the respective parties.

ART. 3. If citizens held by either party on charges of disloyalty or any alleged civil offence are exchanged, it shall only be for citizens. Captured sutlers, teamsters, and all civilians in the actual service of either party, to be exchanged for persons in similar position.

ART. 4. All prisoners of war to be discharged on parole in ten days after their capture, and the prisoners now held and those hereafter taken to be transported to the points mutually agreed upon, at the expense of the capturing party. The surplus prisoners not exchanged shall not be permitted to take up arms again, nor to serve as military police or constabulary force in any fort, garrison, or field-work held by either of the respective parties, nor as guards of prisons, depots, or stores, nor to discharge any duty usually performed by soldiers, until exchanged under the provisions of this cartel. The exchange is not to be considered complete until the officer or soldier exchanged for has been actually restored to the lines to which he belongs.

ART. 5. Each party, upon the discharge of prisoners of the other party, is

authorized to discharge an equal number of their own officers or men from parole, furnishing at the same time to the other party a list of their prisoners discharged and of their own officers and men relieved from parole; thus enabling each party to relieve from parole such of their own officers and men as the party may choose. The lists thus mutually furnished will keep both parties advised of the true condition of the exchange of prisoners.

ART. 6. The stipulations and provisions above mentioned to be of binding obligation during the continuance of the war, it matters not which party may have the surplus of prisoners, the great principles involved being—1st. An equitable exchange of prisoners, man for man, officer for officer, or officers of higher grade exchanged for officers of lower grade, or for privates according to the scale of equivalents; 2d. That privateers and officers and men of different services may be exchanged according to the same scale of equivalents; 3d. That all prisoners, of whatever arm of service, are to be exchanged or paroled in ten days from the time of their capture, if it be practicable to transfer them to their own lines in that time; if not, as soon thereafter as practicable; 4th. That no officer, soldier, or employé, in the service of either party, is to be considered as exchanged and absolved from his parole until his equivalent has actually reached the lines of his friends; 5th. That the parole forbids the performance of field, garrison, police, or guard, or constabulary duty.

JOHN A. DIX,
Major General.
D. H. HILL,
Major General C. S. A.

SUPPLEMENTARY ARTICLES.

ART. 7. All prisoners of war now held on either side, and all prisoners hereafter taken, shall be sent with all reasonable despatch to A. M. Aikens', below Dutch gap, on the James river, Virginia, or to Vicksburg, on the Mississippi river, in the State of Mississippi, and there exchanged or paroled until such exchange can be effected, notice being previously given by each party of the number of prisoners it will send, and the time when they will be delivered at those points respectively; and in case the vicissitudes of war shall change the military relations of the places designated in this article to the contending parties so as to render the same inconvenient for the delivery and exchange of prisoners, other places, bearing as nearly as may be the present local relations of said places to the lines of said parties, shall be by mutual agreement substituted. But nothing in this article contained shall prevent the commanders of two opposing armies from exchanging prisoners or releasing them on parole from other points mutually agreed on by said commanders.

ART. 8. For the purpose of carrying into effect the foregoing articles of agreement, each party will appoint two agents, to be called agents for the exchange of prisoners of war, whose duty it shall be to communicate with each other by correspondence and otherwise, to prepare the lists of prisoners, to attend to the delivery of the prisoners at the places agreed on, and to carry out promptly, effectually, and in good faith, all the details and provisions of the said articles of agreement.

ART. 9 And in case any misunderstanding shall arise in regard to any clause or stipulation in the foregoing articles, it is mutually agreed that such misunderstanding shall not interrupt the release of prisoners on parole, as herein

provided, but shall be made the subject of friendly explanations, in order that the object of this agreement may neither be defeated nor postponed.

JOHN A. DIX,
Major General.
D. H. HILL,
Major General C. S. A.

By order of the Secretary of War.

L. THOMAS,
Adjutant General.

Official:

_____ _____,
Assistant Adjutant General.

HEADQUARTERS 18TH ARMY CORPS,
DEPARTMENT OF VIRGINIA AND NORTH CAROLINA,
Fortress Monroe, December 7, 1863.

SIR: In obedience to your telegram, I enclose "the correspondence between the United States authorities and the rebel authorities on the exchange of prisoners, and the different propositions connected with that subject," so far as they have come from my office.

My reports and letter of instructions you have in the office at Washington.

I have the honor to be, very respectfully, your obedient servant,

BENJAMIN F. BUTLER,
Major General, Commanding.

Hon. EDWIN M. STANTON,
Secretary of War.

HEADQUARTERS 18TH ARMY CORPS,
DEPARTMENT OF VIRGINIA AND NORTH CAROLINA,
Fortress Monroe, February 2, 1862.

SIR: I have been informed that the small-pox has, unfortunafely, broken out among the prisoner of war now in the hands of the confederate authorities, both at Belle Isle and at Lynchburg. Anxious, from obvious humane considerations, to prevent the spread of this terrible disorder, I have taken leave to forward for their use, by Major Mulford, assistant agent of exchange, in behalf of the United States, a package of vaccine matter, sufficient, as my medical director informs me, to vaccinate six thousand persons. May I ask that it shall be applied, under the direction of the proper medical officers, to the use intended.

Being uncertain how far I can interfere as a matter of official duty, I beg you to consider this note either official or unofficial, as may best serve the purpose of alleviating the distresses of these unfortunate men. Since learning the fact, I have had no opportunity to apply to the department at Washington for instructions. No formal receipt is needed; a note acknowledging the receipt of this being all that can be desired. If more vaccine matter is necessary it will be furnished.

I have the honor to be, very respectfully, your obedient servant,

BENJAMIN F. BUTLER,
Major General, Commanding.

Hon. ROBERT OULD,
Agent of Exchange.

Official copy:

H. C. CLARKE,
Captain and Aide-de-Camp.

CONFEDERATE STATES OF AMERICA,
War Department, Richmond, Virginia, December 9, 1863.

SIR: The package of vaccine matter has been received, and will be faithfully devoted to the purposes indicated in your letter.

Permit me, in response to the friendly tone of your letter, to assure you that it is my most anxious desire, and will be my constant effort, to do everything in my power to alleviate the miseries that spring out of this terrible war.

I have the honor to be, very respectfully, your obedient servant,

ROBERT OULD,
Agent of Exchange.

Major General B. F. BUTLER.

Official copy:

A. F. PUFFER,
Captain and Aide-de-Camp.

HEADQUARTERS 18TH ARMY CORPS,
DEPARTMENT OF VIRGINIA AND NORTH CAROLINA,
Fortress Monroe, December 25, 1864.

SIR: I have the honor to enclose to you an official copy of the authority conferring upon me the duties of commissioner of exchange of prisoners, so that we may be able to establish official relations upon that subject.

I have the honor to be, very respectfully, your obedient servant,

BENJAMIN F. BUTLER
Major General and Commissioner of Exchange.

Hon. ROBERT OULD,
Commissioner of Exchange of the Confederate Authorities.

Official copy:

H. C. CLARKE,
Captain and Aide-de-Camp.

OFFICE OF COMMISSIONER FOR EXCHANGE,
Fort Monroe, December 17, 1863.

SIR: By the authority and orders of the Secretary of War, you are hereby appointed special agent for exchange of prisoners of war, at City Point, for the purpose of executing the instructions from the War Office, of this date, addressed to you.

I have the honor to be, very respectfully, your obedient servant,

E. A. HITCHCOCK,
Major General Volunteers, Comm'r for Exchange of Prisoners.

Major General B. F. BUTLER,
Commanding, &c., Fort Monroe.

Official:

A. F. PUFFER,
Captain and Aide-de-Camp.

HEADQUARTERS 18TH ARMY CORPS,
DEPARTMENT OF VIRGINIA AND NORTH CAROLINA,
Fortress Monroe, December 25, 1863.

SIR: I send by Major Mulford, assistant commissioner of exchange, (502) five hundred and two prisoners of war, from the confederate army, from Point Lookout—all, I believe, serviceable men, and substantially those longest there in confinement.

I offer them for delivery at City Point, upon condition of receiving the same number of men held by your authorities as prisoners of war, from our army, leaving all questions of difference in controversy between your authorities and my government, for the present, in abeyance.

I have made personal examination of the condition of the prisoners of war of the confederate army, now in prison at Point Lookout, and beg leave to assure you that they are as well cared for, and in as good health, and as well fed, as the soldiers in our army.

I will send you in my next communication the statement of the sergeants, confederate prisoners, who have charge of the several cook-houses, upon that subject.

I do not mean to say that their ration is as large as our regularly issued ration, because of their state of entire inactivity, but it is in every respect of the same quality as those issued to the men generally.

If you have any doubt of it, upon an examination of the condition of the men I send you, and upon hearing their statements, please suggest what, in your judgment, should be done further in their behalf.

I have made this examination, and this statement to you, in order that you may be able to satisfy the friends of the prisoners, who may be disturbed by the unfounded reports of ill treatment and cruelty suffered by the prisoners at Point Lookout, in like manner as our people are excited by what I hope are like groundless stories of ill usage and starvation suffered by our soldiers in your hands.

I find there some of the wounded from Gettysburg, and some that have been sick that are convalescent, and some so far disabled by sickness that while they may be sent forward for exchange, they will probably be of no further service in the field.

Men without arms and legs, and debilitated by sickness, are certainly unfit to bear the necessary hardships incident to a condition of prisoners of war; besides, they encumber our hospitals.

As, upon examination, I did not think it proper to order them into the prisoners' camp, with wounds freshly healed, and health hardly restored, and as perhaps the hope of seeing their friends might have a beneficial influence upon their health, therefore I suggest that in the next transport I send up as many of these as are entirely able to bear the exposures of travelling, without probable danger to their health, and that in exchange you will return to me an equal number of our soldiers that may be in like condition. As it may be inconvenient and prejudicial to their health to tranship these invalids, on either side, I will have them put upon a separate boat, upon which there shall be nothing but provisions for them, and will direct that that boat be put at your disposal at City Point, to carry them immediately to Richmond, and bring back those that you shall give in exchange.

Of course, you will transfer, if you think best, the master and crew of the boat to the steamer New York, which will accompany them, and will remain at City Point, and put your own master and crew on board until the boat is returned.

I need not suggest the necessity of care that the boat, which is but a hired

transport, shall receive no damage while in your charge, for which my government will be responsible.

And I further suggest whether the same means of avoiding transhipment might not be a convenience and facility in making further exchanges of well men, as well as invalids.

I also send four officers, lately captured at Charles City Court House, and a surgeon: one in exchange for Captain Irving, who was sent down by last boat; one at his urgent request, being suffering from injuries; and two others, for whom you will forward me any officers of equal rank. I send these, though lately captured, because I have no officers short of Johnson's island, and I wish to avoid delay.

I also send others, prisoners whom I understand were exchanged long since, but by some oversight were not forwarded until now.

I trust such oversight will never happen again.

I have the honor to be, very respectfully, your obedient servant,

BENJAMIN F. BUTLER,
Major General Commanding, Commissioner of Exchange.

Hon. ROBERT OULD,
Commissioner of Exchange of the Confederate authorities.

Official:

A. F. PUFFER,
Captain and A. D. C.

HEADQUARTERS 18TH ARMY CORPS,
DEPARTMENT OF VIRGINIA AND NORTH CAROLINA,
Fortress Monroe, December 25, 1863.

I understand that it has been proposed by you that if the officers and crew of the steamers Emily and Arrow, captured by your forces about the 16th of May, 1863, and the boats were in the service of the United States, in the quartermaster's department when captured, the officers and men would be released. I am not informed how the proposed evidence can bear upon the matter. I therefore take the liberty of sending to you to ask if such a proposition has been made, before I look for the evidence suggested, if any such exists.

I have the honor to be your obedient servant,

BENJAMIN F. BUTLER,
Major General, Commanding.

Hon. ROBERT OULD,
Commissioner of Exchange, Richmond.

Official copy:

H. C. CLARKE,
Captain and Aide-de-Camp.

HEADQUARTERS 18TH ARMY CORPS,
DEPARTMENT OF VIRGINIA AND NORTH CAROLINA,
Fortress Monroe, December 25, 1863.

I beg leave to submit for your consideration the papers in the case of two Ohio prisoners now in the hands of the confederate authorities—Lieutenant E. H. Mason, company "D," 21st Ohio volunteers, and private John Wollam, company "E," 33d Ohio volunteers. Do me the favor to report where they are, in what condition, and if they cannot be exchanged, the reasons that lead

to that conclusion. Allow me to remark, that I do not share in the apprehension expressed by the agent of Ohio, that any wrong has or will be done them.

Please return the papers with your communication.

I have the honor to be your obedient servant,

BENJAMIN F. BUTLER,
Major General Commanding and Com'r of Exchange.

Hon. ROBERT OULD,
Commissioner of Exchange, Richmond.

Official copy:

H. C. CLARKE,
Captain and Aide-de-Camp.

HEADQUARTERS 18TH ARMY CORPS,
DEPARTMENT OF VIRGINIA AND NORTH CAROLINA,
Fortress Monroe, December 25, 1863.

The agents of the sanitary commission claim that a Mr. Alfred F. Bengle, now confined at Castle Thunder, near Richmond, was employed in the sanitary commission at the time of his arrest, was entirely non-combatant, and ought therefore to be exchanged.

I am informed that it has been proposed to exchange him for a Mr. Thatcher, also a non-combatant. We have no record of such a Mr. Thatcher. We should be willing to exchange Mr. Thatcher for Mr. Bengle, if he stands in similar circumstances. Will you give us means of making inquiry for Mr. Thatcher? Will you also forward Mr. Bengle, either conditionally or unconditionally? If we can find Mr. Thatcher, and he wishes to be exchanged, I will send him forward.

I have the honor to be,

BENJAMIN F. BUTLER,
Major General Commanding and Com'r of Exchange.

Hon. ROBERT OULD,
Commissioner of Exchange, Richmond.

Official copy:

H. C. CLARKE,
Captain and Aide-de-Camp.

CONFEDERATE STATES OF AMERICA,
War Department, Richmond, Virginia, December 27, 1863.

SIR: I have received your letter announcing your arrival with confederate prisoners. I have this day forwarded to you an equal or greater number of federal prisoners.

I received with your letter several communications from Major General Butler. In no one of them is it stated that the United States government is willing to resume the cartel and deliver all of our prisoners now in captivity, the excess on either side to be on parole. I have, more than once, expressed the entire willingness of the confederate government to deliver the federal prisoners now in our hands, provided the United States authorities will deliver the confederate prisoners in their hands. This is the provision of the cartel, and we can accept nothing less. Unless this is the distinct understanding, no equivalent will be delivered to you for any confederate officers and soldiers whom you may hereafter bring to City Point. In the hope that such is the

understanding, I have directed that a number greater than the total of your delivery shall be sent to you.

In no event can we consent that the general release of prisoners so distinctly required by the cartel shall be evaded by partial deliveries. Accepting the present delivery as a step towards a general exchange on the principles of the cartel, I trust I may be permitted the hope that deliveries on the basis above indicated will be continued until all the troops in confinement on both sides are released.

Respectfully, your obedient servant,

ROBERT OULD,
Agent of Exchange.

Major JOHN E. MULFORD,
Assistant Agent of Exchange.

Official copy:

A. F. PUFFER,
Captain and Aide-de-Camp.

CONFEDERATE STATES OF AMERICA,
War Department, Richmond, Virginia, December 27, 1863.

SIR: I have this day received from Major General B. F. Butler a copy of a communication to him, signed by yourself as commissioner for the exchange of prisoners, in which it is stated that, by the authority and orders of the United States Secretary of War, Major General B. F. Butler was appointed special agent for the exchange of prisoners at City Point.

You are doubtless aware that, by proclamation of the President of the Confederate States, Major General B F. Butler is under the law of outlawry. Although we do not pretend to prescribe what agents your government shall employ in connexion with the cartel, yet, when one who has been proclaimed to be so obnoxious as General Butler is selected, self-respect requires that the confederate authorities should refuse to treat with him, or establish such relations with him as properly pertain to an agent of exchange.

The proclamation of President Davis forbids that General Butler should be admitted to the protection of the confederate government, and he cannot, therefore, be received under a flag of truce.

Accordingly, I am directed by the confederate authorities to inform you that Major General B. F. Butler will not be recognized by them as an agent of exchange.

Respectfully, your obedient servant,

ROBERT OULD,
Agent of Exchange.

Major General E. A. HITCHCOCK,
Commissioner of Exchange.

Official copy:

A. F. PUFFER,
Captain and Aide-de-Camp.

HEADQUARTERS DEPARTMENT OF VIRGINIA AND NORTH CAROLINA,
Fort Monroe, Virginia, January 12, 1864.

SIR: Your note addressed to Major General Hitchcock, in relation to the appointment by the government of the United States of a commissioner of exchange, is returned.

This government claims and exercises the power of appointing its own agents

to represent its interests, irrespective of any supposed sanction by the confederate authorities.

No right of declaration of outlawry by those authorities of any officer or soldier of the United States can be admitted, or for a moment regarded by the government of the United States, as it certainly will not be by the persons upon whom such intimidation is attempted.

I am instructed to renew the offer, leaving all other questions in abeyance, to exchange man for man and officer for officer of equal rank actually held in custody by either party, until all prisoners of war so held are thus exchanged. I take leave to express the hope, from humane considerations, to those confined as prisoners of war on either side, that this offer will be accepted.

I am further instructed to inform you, that unless the flag of truce sent forward, under the sanction of the commanding general of this department, is recognized and respected by your authorities, all further communication between this government and the confederate authorities by flag of truce must cease, however much the loss of its ameliorating influences upon the rigors of what ought to be a civilized warfare is to be regretted; but the responsibility of such determination must be left with those whom you represent.

I have the honor to be, very respectfully, your obedient servant,

BENJAMIN F. BUTLER,
Major General Commanding and Commissioner of Exchange.

Hon. ROBERT OULD,
Commissioner of Exchange, Richmond, Virginia.

Official copy:

J. W. SHAFFER,
Colonel and Chief of Staff.

HEADQUARTERS DEPARTMENT OF VIRGINIA AND NORTH CAROLINA,
Fort Monroe, Virginia, January 12, 1864.

SIR: It is desirable that a list of all the prisoners held by either belligerents, whether officers or soldiers, should be furnished to each office of exchange, and also a list of all who have died on either side while held as prisoners of war.

It is also desirable that an arrangement should be made by which monthly lists shall be forwarded, as soon as practicable, up to the first of each month, of the persons captured and who have died on both sides.

I am prepared to send forward a list up to the 1st day of December, 1863, and to continue so to furnish, upon condition that you will do the same, monthly lists of prisoners and deaths as above suggested.

I beg to call to your attention that your lists already furnished contain the names of only some one hundred and twenty-three deaths. Would we could hope that list is correct, but it is impossible.

Please see to it, if this arrangement is made, that we have accurate lists of all the deaths in all the prisons and prisoners' camps wherein our officers or men are held by your authorities, and on our part it is stipulated that the utmost pains shall be taken to make like accurate lists of the officers and men, both living and dead, who are and have been held by us.

I have the honor to be, very respectfully, your obedient servant,

BENJAMIN F. BUTLER,
Major General Commanding and Commissioner for Exchange.

Hon. ROBERT OULD,
Commissioner of Exchange, Richmond, Virginia.

Official copy:

A. F. PUFFER,
Captain and Aide-de-Camp

HEADQUARTERS DEPARTMENT OF VIRGINIA AND NORTH CAROLINA,
Fort Monroe, Virginia, January 12, 1864.

SIR: It is reported that you have stipulated, if evidence is produced that the officers and crew of the steamers "Emily" and "Arrow," captured about May 5, 1863, were in the employ of the quartermaster's department when captured, the officers and men can be released from close confinement, in which we are informed they are, and treated as other prisoners of war.

I enclose the evidence of the fact for your information, and respectfully ask that you will inform me if the officers and crews of such boats can or are to be treated as prisoners of war.

I have the honor to be, very respectfully, your obedient servant,

BENJAMIN F. BUTLER,
Major General Commanding and Commissioner of Exchange.

Hon. ROBERT OULD,
Commissioner of Exchange, Richmond, Virginia.

Official copy:

A. F. PUFFER,
Captain and Aide-de-Camp.

HEADQUARTERS DEPARTMENT OF VIRGINIA AND NORTH CAROLINA,
Fort Monroe, Virginia, January 12, 1864.

SIR: In compliance with previous arrangements fifteen (15) civilians are sent up for exchange for a like number of civilians held as prisoners by your authorities.

Please receive them, and return the men for whom they are sent forward.

I have the honor to be, very respectfully, your obedient servant,

BENJAMIN F. BUTLER,
Major General Commanding and Commissioner for Exchange.

Hon. ROBERT OULD,
Commissioner of Exchange, Richmond, Virginia.

Official copy:

A. F. PUFFER,
Captain and Aide-de-Camp.

HEADQUARTERS DEPARTMENT OF VIRGINIA AND NORTH CAROLINA,
Fort Monroe, Virginia, January 12, 1864.

SIR: Enclosed please find receipt roll and certificate of thirteen (13) men claiming to be master, master's mate, and seamen in the Confederate States navy, captured at Accomac, Virginia, who were said to be in irons at Fort McHenry, and because of whose confinement certain officers and sailors of the United States navy, in the hands of your authorities, were put in irons in retaliation.

It will be seen in the certificate that they have been received by me at Fort Norfolk, and are therein treated as prisoners of war, and are not in irons. One of the men, captured at the same time, made his escape from Fort McHenry.

I need not call your attention to the necessity of striking off the irons from those men whom you hold thus in retaliation.

Please advise me that it is so done, that I may inform the friends of the prisoners.

I have the honor to be, very respectfully, your obedient servant,

BENJAMIN F. BUTLER,
Major General Commanding and Commissioner for Exchange.

Hon. ROBERT OULD,
Commissioner of Exchange, Richmond, Virginia.

Official:

A. F. PUFFER,
Captain and Aide-de-Camp.

38TH CONGRESS, 2d Session. | HOUSE OF REPRESENTATIVES. | Ex. Doc. No. 32.

EXCHANGE OF PRISONERS.

LETTER

FROM

THE SECRETARY OF WAR,

IN ANSWER TO

A resolution of the House of 21st December last, relative to the exchange of prisoners of war.

JANUARY 23, 1865.—Referred to the Committee on Military Affairs and ordered to be printed.

WAR DEPARTMENT,
Washington City, January 21, 1865.

SIR: In answer to the resolution of the House of Representatives of the 21st December, calling for the correspondence in reference to the exchange of prisoners, I have the honor to submit herewith the report of the Adjutant General, together with such communications upon the subject as have not heretofore been published.

The correspondence of Major General Butler details the action in regard to the exchange of prisoners under the authority conferred upon him by the order of the War Department.

On the 15th October the subject of exchanges was placed under the direction of Lieutenant General Grant, with full authority to take any steps he might deem proper to effect the release and exchange of our soldiers, and of loyal persons held as prisoners by the rebel authorities. He was instructed that it was the desire of the President that no efforts consistent with national safety and honor should be spared to effect the prompt release of all soldiers and loyal persons in captivity to the rebels as prisoners of war, or on any other grounds, and the subject was committed to him with full authority to act in the premises as he should deem right and proper. Under this authority the subject of exchanges has from that time continued in his charge, and such efforts have been made as he deemed proper to obtain the release of our prisoners.

An arrangement was made for the supply of our prisoners—the articles to be distributed under the direction of our own officers, paroled for that purpose; and the corresponding privilege was extended to the rebel authorities. In order to afford every facility for relief, special exchanges have been offered whenever desired on behalf of our prisoners. Such exchanges have, in a few instances,

been permitted by the rebel authorities, but in many others they have been denied.

A large number of exchanges, including all the sick, has been effected within a recent period. The Commissary General of Prisoners hasn bee directed to make a detailed report of all the exchanges that have been accomplished since the general exchange ceased. It will be furnished to the House of Representatives as soon as completed.

The last communication of General Grant gives reason to believe that a full and complete exchange of all prisoners will speedily be made. It also appears from his statement that weekly supplies are furnished to our prisoners, and distributed by officers of our own selection. His letter is subjoined as follows:

"HEADQUARTERS ARMIES OF THE UNITED STATES,
"*Washington, D. C., January* 21, 1865.

"SIR: I have authorized Colonel Mulford, agent of exchange, to renew negotiations for the exchange of all prisoners now held by either party. The first interview between our agent and Colonel Ould, rebel agent, has already been had. No doubt but that an arrangement will be entered into. Indeed, on the strength of that interview, an exchange—limited one—is now going on near Richmond.

"Yours, truly,

"U. S. GRANT, *Lieutenant General.*

"Hon. E. M. STANTON,
"*Secretary of War.*

"We are sending supplies to our prisoners at least weekly. They are received by officers of our own selection, (released federal prisoners,) who distribute them as directed.

"U. S. G."

Supplies furnished by friends of prisoners are also forwarded for distribution in the same manner. The nature of the supplies authorized to be furnished by individuals is specified in the annexed order of the department.

Very respectfully, your obedient servant,

EDWIN M. STANTON,
Secretary of War.

Hon. SCHUYLER COLFAX,
Speaker of the House of Representatives.

General Orders, No. 299.

WAR DEPARTMENT, ADJUTANT GENERAL'S OFFICE,
Washington, December 7, 1864.

I. Brigadier General Joseph Hays, United States volunteers, and Colonel Stephen M. Weld, jr., 56th Massachusetts volunteers, prisoners of war, are selected by the government of the United States as the officers to be placed on parole, agreeable to the arrangements entered into by Lieutenant General Grant and Commissioner Ould to receive and distribute to the United States prisoners of war such articles of clothing and other necessaries herein mentioned as may be issued by the government or contributed from other sources.

Should either General Hays or Colonel Weld be unable to perform these duties, Colonel Thomas H. Butler, 5th Indiana cavalry, and Lieutenant Colonel John A. Mann, 202d Pennsylvania volunteers, are designated as their alternates.

II. The United States government will forward to its prisoners of war in the south the following articles:

Uniform hats,	Flannel shirts,	Blankets, woollen,
Uniform caps,	Drawers,	Blankets, gum,
Uniform coats,	Bootees,	Commissary stores.
Uniform jackets,	Stockings,	

The friends of the United States prisoners of war confined in the south are permitted to forward to them, by flag-of-truce boat or other authorized channel, the following articles:

Coats,	Pants,	Vests,
Underclothes,	Socks,	Hats,
Caps,	Shoes,	Handkerchiefs,
Suspenders,	Looking-glasses,	Towels,
Brushes,	Combs,	Clothes brooms,
Buttons,	Tape,	Thread,
Sewing cotton,	Pins and needles,	Scissors,
Pocket knives,	Paper,	Envelopes,
Steel pens,	Lead pencils,	Penknives,
Postage stamps,	Tobacco,	Cigars,
Pipes,	Snuff,	Crushed sugar,
Sirups,	Family soap,	Butter,
Lard,	Smoked beef,	Beef tongue,
Bologna sausage,	Corn meal,	Nutmegs,
Pepper,	Mustard,	Table salt,
Salt fish,	Crackers,	Cheese,
Pickles,	Sauces,	Vegetables,
Dried fruit,	Lemons,	Nuts,
Apples,	Matches,	Yeast powder,
Crockery,	Glassware,	Tinware,

Meats and fish in cans.

III. All articles for prisoners of war will be forwarded to Colonel John E. Mulford, agent for exchange of prisoners of war, Fort Monroe, Virginia.

By order of the Secretary of War:

E. D. TOWNSEND,
Assistant Adjutant General.

Official:

E. D. TOWNSEND,
Assistant Adjutant General.

WAR DEPARTMENT, ADJUTANT GENERAL'S OFFICE,
Washington, January 21, 1865.

SIR: In compliance with your instructions I have the honor to submit herewith copies of communications in reference to the exchange of prisoners of war, called for by resolution of the House of Representatives, dated December 21, 1864.

The copies embrace correspondence between Lieutenant General Grant, general-in-chief; Major General Butler, commanding department of Virginia and North Carolina; Major General Halleck, chief of staff; Major General Hitchcock, commissioner, and Lieutenant Colonel Ludlow, agent for exchange of prisoners, with General R. E. Lee, and Mr. Robert Ould, the commissioner of the rebel government;

Between Major General Banks, commanding department of the gulf, and the rebel Generals R. Taylor and Green, in Louisiana;

Between Major General Foster, commanding department of the south, and the rebel General S. Jones, at Charleston;

Also communications on the subject of exchanges, with Major Generals Canby, at New Orleans, Buell and Burbridge, in Kentucky, Curtis, in Missouri, Rosecrans, in Tennessee, Schenck, at Baltimore, and Wm. T. Sherman, at Atlanta.

The correspondence extends over a period of time from June, 1862.

I am, sir, with great respect, your most obedient servant,

E. D. TOWNSEND,
Assistant Adjutant General.

Hon. EDWIN M. STANTON,
Secretary of War.

HEADQUARTERS ARMIES OF THE UNITED STATES,
Washington, D. C., January 21, 1865.

SIR: I have authorized Colonel Mulford, agent of exchange, to renew negotiations for the exchange of all prisoners now held by either party. The first interview between our agent and Colonel Ould, rebel agent, has already been had. No doubt but that an arrangement will be entered into. Indeed, on the strength of that interview, an exchange—limited one—is now going on near Richmond.

Yours, truly,

U. S. GRANT,
Lieutenant General.

Hon. E. M. STANTON,
Secretary of War.

We are sending supplies to our prisoners, at least weekly. They are received by officers of our own selection, released federal prisoners, who distribute them as directed.

U. S. G.

HEADQUARTERS ARMIES OF THE UNITED STATES,
October 15, 1864.

GENERAL: A communication signed R. Ould, agent of exchange, dated October 7, instant, mailed at Fortress Monroe, and addressed to me, is herewith referred to you, together with a paper that accompanied it, bearing the same signature, dated October 6, and addressed to Major John E. Mulford, assistant agent of exchange. You are authorized and instructed to take such action in reference to said papers and the subject-matter to which they relate as you may deem best adapted to the relief of our soldiers held as prisoners by the rebels. You are also authorized to take any steps that you may deem proper to effect the release and exchange of our soldiers and all loyal persons held as prisoners by the rebel authorities.

It is the desire of the President that no efforts consistent with national safety and honor be spared to effect the prompt release of all soldiers and loyal persons in captivity to the rebels as prisoners of war, or on any other grounds; and the

subject is committed to you with full authority to act in the premises as you shall deem right and proper.

By order of the President.

EDWIN M. STANTON,
Secretary of War.

Lieutenant General GRANT.

ADJUTANT GENERAL'S OFFICE,
January 22, 1865.

True copy:

E. D. TOWNSEND,
Assistant Adjutant General.

CONFEDERATE STATES OF AMERICA,
War Department, Richmond, Va., October 7, 1864.

SIR: On the 6th instant I addressed the accompanying letter to Major John E. Mulford, assistant agent of exchange.

I think it proper to notify you that I have done so in order that you may be made acquainted at an early date with the views of the confederate authorities in relation to the matter to which that communication refers.

Respectfully, your obedient servant,

RO. OULD,
Agent of Exchange.

Hon. EDWIN M. STANTON,
Secretary of War.

[Endorsement.]

OCTOBER 15, 1864.

Referred to Lieutenant General Grant, with authority to act upon the subject in such manner as he may deem proper, and with authority to take such measures as he deems consistent with national honor and safety, for the release of all soldiers and loyal persons held by the rebels in captivity.

EDWIN M. STANTON,
Secretary of War.

A true copy:

E. D. TOWNSEND,
Assistant Adjutant General.

CONFEDERATE STATES OF AMERICA,
War Department, Richmond, Va., October 6, 1864.

SIR: As it appears to be more than probable that a large number of prisoners will be held in captivity by both belligerents during the coming winter, the cause of humanity, to which, though foes, we all owe a common allegiance, demands that some measures should be adopted for the relief of such as are held by either party. To that end I propose that each government shall have the privilege of forwarding, for the use and comfort of such of its prisoners as are held by the other, necessary articles of food and clothing. The manner of their distribution, with all proper safeguards, can be agreed upon in the future. A fair reciprocity is only asked.

The articles that can be mutually sent can also be made the subject of agreement. I propose that each may send necessary clothing and blankets, and rations of meat, bread, coffee, sugar, tobacco, pickles, and vinegar. I would sug-

gest that the receipt of the stores and their distribution among the prisoners for whom they are intended might be authenticated by the certificate of the senior officer at the respective camps or depots.

In order to carry out this arrangement with effectiveness, it would be necessary that we should make purchases outside the limits of the Confederate States, and then to ship them to one of your ports. It would be impracticable to send the stores by your flag-of-truce boats.

Of course the supplies referred to in this communication are to be considered as being in addition to such rations as are furnished by the government which has the prisoners in custody. Neither belligerent is to be discharged from the obligation of feeding and clothing the prisoners in its charge.

This is a matter of such grave importance that I sincerely trust an early and favorable response will be made.

Respectfully, your obedient servant,

RO. OULD,
Agent of Exchange.

Major JOHN E. MULFORD,
Assistant Agent of Exchange.

ADJUTANT GENERAL'S OFFICE,
January 21, 1865.

A true copy:

E. D. TOWNSEND,
Assistant Adjutant General.

[Telegram.—Time sent, 10.40 p. m]

OFFICE UNITED STATES MILITARY TELEGRAPH,
War Department, Washington, D. C., April 14, 1864.

Major General BUTLER, *Fort Monroe, Va.:*

Your report respecting negotiations with Commissioner Ould for the exchange of prisoners of war has been referred to me for my orders. Until examined by me, and my orders thereon are received by you, decline all further negotiations.

U. S. GRANT,
Lieutenant General.

True copy:

A. E. H. JOHNSON.

[Telegram.—Received in cypher.]

FORT MONROE, VA, *April* 20, 1864.

Lieutenant General GRANT, *Washington, D. C.:*

Instructions in regard to exchange of prisoners received and will be implicitly followed. I assume, however, that they are not intended to interfere with the special exchanges of sick and wounded prisoners on one side and the other now going on.

BENJ. F. BUTLER,
Major General Commanding.

True copy:

A. E. H. JOHNSON.

[Telegram.—Time sent, 9.30 p. m.]

OFFICE UNITED STATES MILITARY TELEGRAPH,
War Department, Washington, D. C., April 20, 1864.

Major General BUTLER, *Fort Monroe, Va.:*

Receive all the sick and wounded the confederate authorities will send you, but send no more in exchange.

U. S. GRANT,
Lieutenant General.

True copy:

A. E. H. JOHNSON.

HEADQUARTERS ARMIES OF THE UNITED STATES,
City Point, Va., December 30, 1864.

I have the honor to transmit herewith copies of correspondence between Judge Ould and myself upon the matter of supplying blankets to our prisoners at and in the vicinity of Richmond; also letters relating to the general supplying of prisoners upon both sides, and the shipment of confederate cotton from Mobile.

I am, very respectfully, your obedient servant,

U. S. GRANT,
Lieutenant General.

Hon. E. M. STANTON,
Secretary of War.

ADJUTANT GENERAL'S OFFICE,
January 22, 1865.

True copy:

E. D. TOWNSEND,
Assistant Adjutant General

HEADQUARTERS ARMIES OF THE UNITED STATES,
City Point, Va., December 24, 1864.

SIR: I am informed that there is quite a number of federal prisoners in Richmond who are suffering for want of proper clothing. I would respectfully request the authority to send for their benefit a few hundred blankets, and ask that a commissioned officer from among the prisoners be allowed to receive and distribute them. If my request in this matter be acceded to, I will be pleased to learn at what point and at what time they will be received, and the name of the officer designated to receive the clothing.

Very respectfully, your obedient servant,

U. S. GRANT,
Lieutenant General.

Judge RO. OULD,
Agent of Exchange.

ADJUTANT GENERAL'S OFFICE,
January 22, 1865.

True copy:

E. D. TOWNSEND,
Assistant Adjutant General.

RICHMOND, VA., *December* 27, 1864.

SIR: Your note of the 24th instant is received. You can send as many blankets for the benefit of the federal prisoners in Richmond as you may think proper. If you choose you may send others for those confined in other places. The blankets will be received at Boulware's wharf, (otherwise known as the "Graveyard,") on James river. In order to give you sufficient time, I would suggest next Saturday, the 31st instant, at one o'clock p. m., as the day and hour when the articles will be received. The four officers highest in rank, (not in hospital,) now at the Libby, are Lieutenant Colonel Hutchins, 1st New Hampshire cavalry; Major W. N. Owens, 1st Kentucky cavalry; Captain J. M. Wallace, 3d Delaware; and Captain J. M. Watson, 2d New York mounted rifles. You can select either one of them as the consignee. I will deliver the blankets to him, taking his receipts in duplicate, one of which I will forward to you. He and as many assistants as he may need will be given such a parole as will enable them to discharge their duty effectively. Every reasonable and proper effort will be made by the confederate authorities to secure such a distribution as you may desire. By using the word "blankets" I do not wish to be understood as limiting the supplies to that article.

Respectfully, your obedient servant,

RO. OULD,
Agent of Exchange.

Lieutenant General U. S. GRANT.

ADJUTANT GENERAL'S OFFICE,
January 22, 1865.

True copy:

E. D. TOWNSEND,
Assistant Adjutant General.

HEADQUARTERS ARMIES OF THE UNITED STATES,
City Point, Va., December 28, 1864.

SIR: I will cause one thousand blankets to be conveyed on the 31st to the point indicated by your communication of the 27th instant. The blankets will be consigned to the care of Lieutenant Colonel Hutchins, 1st New Hampshire cavalry, for distribution among prisoners of war (federal) confined in Richmond and vicinity.

Very respectfully, your obedient servant,

U. S. GRANT,
Lieutenant General.

Judge R. OULD,
Agent of Exchange.

Official copy:

E. D. TOWNSEND,
Assistant Adjutant General.

HEADQUARTERS ARMIES OF THE UNITED STATES,
City Point, Va., December 28, 1864.

[Special Orders, No. 159.]

IIII. Major General B. F. Butler, commanding army of the James, will send forward and deliver to Judge R. Ould, agent of exchange, C. S. A.

at Boulware's wharf, on the James river, at 1 o'clock p. m., Saturday, December 31, 1864, one thousand army blankets, consigned to Lieutenant Colonel Hutchins, 1st New Hampshire cavalry, for distribution to federal prisoners of war confined at Richmond and vicinity.

By command of Lieutenant General Grant.

T. S. BOWERS,
Assistant Adjutant General.

Official:

T. S. BOWERS,
Assistant Adjutant General.

ADJUTANT GENERAL'S OFFICE,
January 22, 1864.

True copy:

E. D. TOWNSEND,
Assistant Adjutant General.

HEADQUARTERS ARMIES OF THE UNITED STATES,
City Point, Va., December 28, 1864.

Please instruct Lieutenant Colonel Hutchins, 1st New Hampshire cavalry, consignee of blankets for federal prisoners at Richmond, to be sent through Judge Ould, on the 31st instant, to distribute said blankets among such of our prisoners at Richmond as may be without blankets, at the rate of one to each officer and enlisted man. Such of them as are already supplied with that number will not be furnished additional ones. Should he have any on hand after supplying our prisoners at and in the vicinity of Richmond, he will procure them to be sent and distributed in like manner among our prisoners at the nearest point to Richmond where he may have any.

By command of Lieutenant General Grant.

JOHN A. RAWLINS,
Brigadier General and Chief of Staff.

Major General B. F. BUTLER,
Commanding Army of the James.

Official:

T. S. BOWERS,
Assistant Adjutant General.

ADJUTANT GENERAL'S OFFICE,
January 22, 1865.

True copy:

E. D. TOWNSEND,
Assistant Adjutant General.

RICHMOND, VA., *December* 27, 1864.

SIR: I have received Brigadier General William N. R. Beall's letter and your endorsement thereon.

If you will refer to my letter of the 11th of November last, addressed to yourself, you will find this paragraph, to wit:

"The reception of supplies, and their subsequent distribution among the prisoners on both sides, shall be certified by a committee of officers confined in the prisons so supplied. Such a parole will be given to such officers as will

enable them to carry out this agreement with due facility. They will report, through the proper agents, their proceedings to their respective governments."

When I framed the foregoing paragraph, my idea was that a committee of three from each prison on both sides would be selected and paroled to attend to the distribution at the prison to which the committee belonged. That seemed to me to be the best plan. If it was carried out there would be on each side three times as many persons selected as there were prisoners. I now again respectfully suggest that this plan be adopted.

If you desire that six or more federal officers shall be paroled to attend to the *reception* of such *supplies* as you may send, it will be done, although I do not see the necessity for any such number. It will take more to attend to the *distribution*. As many will be paroled for the latter purpose as you desire.

I take it for granted that when supplies are sent they will be consigned to some one named party. He will give duplicate receipts for the same, one of which will be forwarded to your government. If it does not correspond to the invoice, some irregularity will have intermediately taken place, which can be detected and corrected.

The consignee and two others (to be named by him if you choose) will attend to the distribution at the particular prison, and will forward a certificate of that fact to their government. It seems to me that this plan is simple, and will be effective. If you will suggest any other, or any addition to the foregoing, which will more effectually carry out the views of both parties for the speedy and certain relief of prisoners on both sides, it will be cheerfully adopted by our side. You may rest assured that the confederate authorities will consent to any measure that will best secure the end proposed. If this plan is adopted, it would be well to have at least three officers at each prison, on both sides.

Respectfully, your obedient servant,

RO. OULD,
Agent of Exchange.

Lieutenant General U. S. GRANT, *U. S. A.*

A true copy:

T. S. BOWERS,
Assistant Adjutant General.

ADJUTANT GENERAL'S OFFICE,
January 22, 1865.

True copy:

E. D. TOWNSEND,
Assistant Adjutant General.

HEADQUARTERS ARMIES OF THE UNITED STATES,
City Point, Va., December 28, 1864.

SIR: Your communication of the 27th instant, acknowledging receipt of Brigadier General William N. R. Beall's letter, is received. I think no better plan than that proposed by you for the distribution of contributions for prisoners of war can be devised, viz:

"The reception of supplies, and their subsequent distribution among the prisoners on both sides, shall be certified by a committee of officers confined in the prisons so supplied. Such a parole will be given by such officers as will

enable them to carry out this agreement with due facility. They will report, through the proper agent, their proceeding to their governments."

As I understand it, under this arrangement, but one officer of each party will be necessary, as a general agent, to receive all supplies.

This general agent will consign such supplies to some one named officer at such prison to be supplied, and see that they reach such officers.

The consignee, with two other officers, to be selected by him, will constitute a committee to attend to the distribution for that particular prison, and will forward a certified statement of the amount received and distributed to their respective governments through their proper agents.

Respectfully, &c.,

U. S. GRANT, *Lieut. General.*

Judge RO. OULD, *Agent of Exchange.*

Official copy:

T. S. BOWERS, *Assist. Adjt. General.*

ADJUTANT GENERAL'S OFFICE,
January 22, 1865.

True copy:

E. D. TOWNSEND, *Assist. Adjt. General.*

RICHMOND, VA., *December* 27, 1864.

SIR: I have received information from Mobile, of the date of the 25th instant, that the thousand bales of cotton were on board of a steamer at that place, waiting for a declaration of readiness on the part of the federal authorities to receive the same. Before the receipt of that information, I was strongly in hopes that the cotton was on its way to New York. If, in any manner, you can hasten the time of its reception on board a federal vessel, I will be obliged to you.

Respectfully, your obedient servant,

RO. OULD, *Agent of Exchange.*

Lieutenant General U. S. GRANT,
United States Army.

A true copy:

T. S. BOWERS, *Assist. Adjt. General.*

ADJUTANT GENERAL'S OFFICE.
January 22, 1865.

True copy:

E. D. TOWNSEND, *Assist. Adjt. General.*

HEADQUARTERS ARMIES OF THE UNITED STATES,
City Point, Va., December 28, 1864.

SIR: Immediately on receipt of yours yesterday, in relation to cotton being on board steamer at Mobile, waiting notice of readiness on the part of the United States authorities to receive it, I telegraphed to the Secretary of War as follows:

"Judge Ould informs me that one thousand bales of cotton were on shipboard at Mobile on the 25th, waiting a declaration of readiness on the part of

the federal authorities to receive the same. I supposed the commanding officer at Mobile had been notified long ago to receive the cotton, when offered, and that it had been received in New York before this. Will you please have the notice given now?"

I think there has been blundering elsewhere than at Washington. All the correspondence between General Lee, you, and myself, has been promptly forwarded there, and I have never received notice of disapproval of any part of my course. I immediately, on notifying you that your request to ship one thousand bales of cotton from Mobile was acceded to, I telegraphed, or wrote, to Washington, asking notice to be sent to the federal commander in Mobile bay of this agreement, and to instruct him to notify, under flag of truce, the commanding officer in Mobile his readiness to receive the cotton whenever the latter was ready to deliver it.

Respectfully, &c.,

U. S. GRANT, *Lieut. General.*

Judge Ro. Ould, *Agent of Exchange.*

Official:

T. S. BOWERS, *Assist. Adjt. General.*

Adjutant General's Office,
January 22, 1865.

True copy:

E. D. TOWNSEND, *Assist. Adjt General.*

UNITED STATES MILITARY TELEGRAPH.

[By telegraph from Washington.—Dated December 29, 1864.]

To Lieutenant General Grant:

General Halleck informs me the necessary notice and orders in respect to the cotton were forwarded some time ago, in duplicate, to Generals Canby and Granger. They are repeated to-day.

EDWIN M. STANTON,
Secretary of War.

Headquarters Armies of the United States,
In Field, City Point, Va., December 30, 1864.

Official copy respectfully forwarded for information of Judge R. Ould, agent of exchange C. S. A.

U. S. GRANT, *Lieut. General.*

Official:

T. S. BOWERS, *Assist. Adjt. General.*

Adjutant General's Office,
January 22, 1865.

True copy:

E. D. TOWNSEND, *Assist. Adjt. General.*

HEADQUARTERS OF THE ARMY,
Washington, D. C., January 23, 1865.

Hon. E. M. STANTON, *Secretary of War:*

SIR: In compliance with your instructions, I submit herewith copies of all papers and correspondence filed at these headquarters in relation to exchange of prisoners of war.

Very respectfully, your obedient servant,

H. W. HALLECK,
Major General, Chief of Staff.

MISCELLANEOUS.

McCLELLAN'S HEADQUARTERS,
October 3, 1862.

Major General HALLECK:

General Stuart, of the rebel army, has sent in a few of our prisoners, under a flag of truce, paroled with terms to prevent their fighting the Indians, and evidently seeking to commit us to their right to parole our prisoners in that way. My inclination is to send the prisoners back, with a distinct notice that we will recognize no parole given to our prisoners by the rebels as extending beyond a prohibition against fighting them. Yet I wish your opinion upon it, based both upon the general law and our cartel. I wish to avoid violations of law and bad faith. Answer as quick as possible, as the thing, if done at all, should be done at once.

A. LINCOLN.

H. Q. A., *January* 6, 1865. Official:

D. C. WAGER, *A. A. G.*

HEADQUARTERS OF THE ARMY,
Washington, D. C., October 3, 1862.

To the PRESIDENT, *McClellan's Headquarters:*

Your proposal to send back prisoners who have given an unauthorized parole accords with the general rule of war, and, I think, cartel. The enemy has no right to require any other than the usual parole, "not to bear arms against the Confederate States during the war or until exchanged," nor have our prisoners a right to give any other.

H. W. HALLECK, *General-in-Chief.*

H. Q. A., *January* 6, 1865. Official:

D. C. WAGER, *A. A. G.*

HEADQUARTERS OF THE ARMY,
Washington, D. C., October 3, 1862.

To the PRESIDENT, *McClellan's Headquarters*:

When I telegraphed you this morning I had only heard the cartel read by the Secretary of War. I have since examined the original document, and withdraw my opinion for further consideration. I am disposed to think the parole is made by the cartel to include *all* military duty.

H. W. HALLECK, *General-in-Chief.*

H. Q. A., *January* 6, 1865. Official:

D. C. WAGER, *A. A. G.*

HEADQUARTERS OF THE ARMY,
Washington, D. C., October 4, 1862.

To the PRESIDENT, *General McClellan's Headquarters:*

After full consultation with Secretary of War and Colonel Holt, it is concluded that the parole under the cartel does not prohibit doing service against the Indians.

H. W. HALLECK, *General-in-Chief.*

H. Q. A., *January* 6, 1865. Official:

D. C. WAGER, *A. A. G.*

JACKSON, TENNESSEE, *October* 7, 1862.

Major General HALLECK:

What shall be done with prisoners taken in the late engagement?

U. S. GRANT.

H. Q. A., *January* 6, 1865. Official:

D. C. WAGER, *A. A. G.*

HEADQUARTERS OF THE ARMY,
Washington, D. C., October 8, 1862.

Major General GRANT, *Jackson:*

Prisoners of war will be paroled and delivered to the enemy at some point within his lines. A receipted list must be taken in duplicate, and one copy sent to adjutant general, in order to effect an exchange. * * *

H. W. HALLECK, *General-in-Chief.*

H. Q. A., *January* 6, 1865. Official:

D. C. WAGER, *A. A. G.*

LEBANON, KY., *October* 23, 1862.

Major General HALLECK:

As I understand the cartel for exchange of prisoners, either party may, without consulting the other, release from parole and return to duty any of its prisoners of war whenever it turns over an equivalent of paroled prisoners to the other. Am I right?

D. C. BUELL.

H. Q. A., *January* 6, 1865. Official:

D. C. WAGER, *A. A. G.*

HEADQUARTERS OF THE ARMY,
Washington, D. C., October 23, 1862.

Major General BUELL, *Lebanon:*

See last clause of article 7 in connexion with article 5 of cartel for exchange of prisoners. On delivering prisoners *at a point agreed upon*, you can release from parole an equivalent of your own.

H. W. HALLECK, *General-in-Chief.*

H. Q. A., *January* 6, 1865. Official:

D. C. WAGER, *A. A. G.*

WASHINGTON, D. C., *December* 30, 1862.

Major General CURTIS, *St. Louis:*

No officers prisoners of war will be released on parole till further orders.

H. W. HALLECK, *General-in-Chief.*

Same to General WRIGHT, *Cincinnati;* General ROSECRANS, *Nashville;* General GRANT, *Mississippi;* General SCHENCK, *Baltimore;* General DIX, *Fort Monroe;* General FOSTER, *Newbern;* General BANKS, *New Orleans.*

H. Q. A., *January* 6, 1865. Official:

D. C. WAGER, *A. A. G.*

HEADQUARTERS OF THE ARMY,
Washington, D. C., January 4, 1863.

Major General CURTIS, *St. Louis:*

It is understood that the rebel government has refused to parole and exchange our officers. We shall neither parole nor send forward for exchange any more officers till this question is settled.

* * * * * * * * *

H. W. HALLECK, *General-in-Chief.*

H. Q. A., *January* 6, 1865. Official:

D. C. WAGER, *A. A. G.*

HEADQUARTERS OF THE ARMY,
Washington, D. C., January 27, 1863.

Lieutenant Colonel LUDLOW, *Fort Monroe:*

The Secretary of War directs that you retain Surgeon J. C. Green as a hostage for Surgeon Rucker.

Confederate officers will not, for the present, be exchanged for specific equivalents.

H. W. HALLECK, *General-in-Chief.*

H. Q. A., *January* 6, 1865. Official:

D. C. WAGER, *A. A. G.*

FORT MONROE, *January* 23, 1863.

Colonel J. C. KELTON, *A. A. G.:*

We have three confederate officers confined at Fort Norfolk. Shall they be paroled and sent to Richmond to be exchanged for specific equivalents of our officers confined there, or return in ten days?

WM. N. LUDLOW,
Lieutenant Colonel, &c.

H. Q. A., *January* 6, 1865. Official:

D. C. WAGER, *A. A. G*

ST. LOUIS, *January* 24, 1863.

Major General HALLECK:

I have formerly discharged prisoners of war who seem worthy and willing to renounce rebel service, no United States order conflicting. I ask the discretionary power; some two hundred of the Murfreesboro' prisoners desire to take the oath.

S. R. CURTIS, *Major General.*

H. Q. A., *January* 6, 1865. Official:

D. C. WAGER, *A. A. G.*

HEADQUARTERS OF THE ARMY,
Washington, D. C., January 25, 1863.

Major General CURTIS, *St. Louis:*

Prisoners of war (not officers) who ask to take the oath of allegiance may, in your discretion, be released.

H. W. HALLECK, *General-in-Chief.*

H. Q. A., *January* 6, 1865. Official:

D. C. WAGER, *A. A. G.*

BALTIMORE, *February* 3, 1863.

Major General HALLECK, *General-in-Chief:*

Not remembering the extent of your verbal instructions, I repeat the question, Shall rebel surgeons be refused parole under the order of December 30?

ROBT. C. SCHENCK, *Major General.*

H. Q. A., *January* 6, 1865. Official:

D. C. WAGER, *A. A. G.*

HEADQUARTERS OF THE ARMY,
Washington, D. C., February 3, 1863.

Major General SCHENCK, *Baltimore:*

Rebel surgeons, prisoners of war, are to be treated as provided in the cartel, so long as the enemy observes the cartel in respect to medical officers.

H. W. HALLECK, *General-in-Chief.*

H. Q. A., *January* 6, 1865. Official:

D. C. WAGER, *A. A. G.*

CINCINNATI, *February* 17, 1863.

Major General H. W. HALLECK, *General-in-Chief:*

Colonel Lynch, commanding at Camp Butler, telegraphs that General Curtis has instructed him to release rebel prisoners upon their taking oath of allegiance. Camp Butler being in this department, Colonel Lynch refers the matter here for instructions. What shall be done?

H. G. WRIGHT, *Major General.*

H. Q. A., *January* 6, 1865. Official:

D. C. WAGER, *A. A. G.*

HEADQUARTERS OF THE ARMY,
Washington, D. C., February 17, 1863.

Major General WRIGHT, *Cincinnati:*

Rebel prisoners, who do not wish to be exchanged, and offer to take the oath of allegiance, are released when, upon proper examination and evidence, it is believed that they are sincere in this course. If there is good reason to doubt their sincerity, they will not be released.

H. W. HALLECK, *General-in-Chief.*

H. Q. A., *January* 6, 1865. Official:

D. C. WAGER, *A. A. G.*

FORT MONROE, VA., *February* 19, 1863.

Major General HALLECK, *General-in-Chief:*

I have just returned from City Point from a conference with Mr. Ould. The legislature of Virginia will overrule Governor Letcher in his late attempts at retaliation in imprisoning his officers, and will transfer to the confederate authorities, where it properly belongs under the cartel, all matters connected with exchange of prisoners.

It is now quite certain that the Confederate Congress will overrule Mr. Jefferson Davis in his retaliatory proclamation and message, and exchange will go on as heretofore, under the cartel. I have perfected arrangements for exchange of civilians.

W. H. LUDLOW,
Agent for Exchange of Prisoners.

H. Q. A., *January* 6, 1865. Official:

D. C. WAGER, *A. A. G.*

MURFREESBORO', *March* 11, 1863.

Colonel J. C. KELTON:

I telegraphed the general-in-chief, the date and character of the notification given to General Bragg, that I would receive no more paroled prisoners except in accordance with terms of the cartel, and requesting his decision whether or not, after this full and fair notification, I shall refrain from carrying into effect my General Order No. 3, current series, as to paroled prisoners delivered, by turning them loose in defiance of notice of the provisions of the cartel. Please say to him that deserters, consequent on the suspense of this question, induce me to ask decision as early as practicable, and that, if possible, it may not disturb the past policy, which works well, as does also the order against those wearing our uniform.

W. S. ROSECRANS. *Major General.*

H. Q. A., *January* 6, 1865. Official:

D. C. WAGER, *A. A. G.*

HEADQUARTERS OF THE ARMY,
Washington, D. C., March 12, 1863.

Major General ROSECRANS, *Murfreesboro':*

The matter of paroled prisoners has once been decided by the Secretary of War. He has your telegrams, and if he reverses his decision you will be duly notified.

H. W. HALLECK, *General-in-Chief.*

H. Q. A., *January* 6, 1865. Official:

D. C. WAGER, *A. A. G.*

ST. LOUIS, *April* 23, 1863.

Major General HALLECK, *General-in-Chief:*

I wish Major Majors, Alton prison, exchanged for Major McConnel. McConnel has important intelligence to disclose after exchange. Immediate answer is desired. * * *

S. R. CURTIS, *Major General.*

H. Q. A., *January* 6, 1865. Official:

D. C. WAGER, *A. A. G.*

HEADQUARTERS OF THE ARMY,
Washington, D. C., April 23, 1863.

Major General CURTIS, *St. Louis:*

All exchanges must be made under the cartel; only two modes are provided—one by delivery at the points named, and the other at the points agreed upon in the field. Exchange requires actual delivery across the lines. * * *

H. W. HALLECK, *General-in-Chief.*

H. Q. A., *January* 6, 1865. Official:

D. C. WAGER, *A. A. G.*

CONFEDERATE STATES OF AMERICA,
War Department, Richmond, Va., May 22, 1863.

SIR: I perceive by the northern papers that Captains McGraw and Corbin were shot to death with musketry on Friday, the 15th instant, at or near Sandusky, Ohio.

These were the cases which I brought to your attention when last I saw you. These men were duly authorized to recruit within the limits of Kentucky. They were tried by a court-martial upon the charge of recruiting within your lines. They were sentenced to be shot, and that sentence was approved by General Burnside and President Lincoln.

The confederate government has ordered that two captains now in our custody shall be selected for execution, in retaliation for this gross barbarity. The order will be speedily executed.

Your papers refer to other cases of parties condemned to death upon the same charge. They are some five or six in number.

In view of the awful vortex into which things are plunging, I give you notice

that in the event of the execution of these persons, retaliation to an equal extent, at least, will be visited upon your own officers, and if that is found ineffectual the number will be increased.

The Great Ruler of nations must judge who is responsible for the initiation of this chapter of horrors.

Respectfully, your obedient servant,

ROBERT OULD, *Agent of Exchange.*

Lieut. Col. WM. H. LUDLOW,
Agent of Exchange.

H. Q. A., *Washington, January* 6, 1865. Official:
ROBERT N. SCOTT,
Major and A. A. G.

HEADQUARTERS DEPARTMENT OF VIRGINIA,
Seventh Army Corps, Fort Monroe, May 25, 1863.

SIR: Captains McGraw and Corbin were executed upon conviction of being spies. They were also guilty of recruiting within our lines. Without waiting to know the facts or evidence in these cases, (for you have admitted that you are acting on mere general newspaper statements, which give neither facts nor evidence,) orders have been given, as you inform me, that two of our officers, now in your custody, are to be selected for execution in retaliation for what you term "gross barbarity," and that the order will be speedily executed.

I give you formal notice that for each officer so executed one of your officers in our hands will be immediately put to death; and if this number be not sufficient it will be increased.

The United States government have been most lenient in their treatment of prisoners who have fallen into their hands. This leniency has been abused. And, by your own admission, your officers and men have come within our lines for the purpose ostensibly of recruiting, but really as spies. They have been taken in citizens' dress, under all the circumstances clearly surrounding the character of a spy. And, in accepting such service, they have taken upon themselves all its responsibility and the consequence of capture. And yet you propose to select brave and honorable officers, who have been captured in fair and open fight on the battle-field, and barbarously put them to death, in retaliation for the just punishment of spies.

I call to your mind, among numerous other instances, the barbarous execution of the brave men who, under the orders of General Mitchell, captured a locomotive and train and penetrated with it into the interior of Georgia, for the sole purpose, as was and is well known, of destroying the railroad communications. They were executed as spies, and yet the United States government has not retaliated for this act.

Were I in your place, I should hardly dare to invoke the judgment of the Great Ruler of nations upon the responsibility for the initiation of this, what you most properly term, chapter of horrors.

I am, very respectfully, your obedient servant,

WM. H. LULDOW,
Lieut. Col. and Agent for the Exchange of Prisoners.

Hon. ROBERT OULD,
Agent for Exchange of Prisoners.

Official:

ROBERT N. SCOTT,
Major and A. A. G.

HEADQUARTERS DEPARTMENT OF VIRGINIA,
Seventh Army Corps, Fort Monroe, May 22, 1863.

SIR: I have the honor to enclose to you copies of General Orders No. 49 and No. 100, of War Department, announcing regulations and instructions for the government of the United States forces in the field in the matter of paroles. These, together with the stipulations of the cartel, will govern our army. I would invite your special attention to article 7 of the cartel, which provides that all prisoners of war shall be sent to places of delivery therein specified. The execution of this article will obviate much discussion and difficulty growing out of the mode, time, and place of giving paroles. No paroles or exchanges will be considered binding except those under the stipulations of said article permitting commanders of two opposing armies to exchange or release on parole at other points mutually agreed on by said commanders.

I am, very respectfully, your obedient servant,

WM. H. LUDLOW,
Lieut. Col. and Agent for Exchange of Prisoners.

Hon. ROBERT OULD,
Agent for Exchange of Prisoners.

Official:

ROBERT N. SCOTT,
Major and A. A. G.

WASHINGTON, D. C., *May* 25, 1863.

No confederate officers will be paroled or exchanged till further orders. They will be kept in close confinement and be strongly guarded. Those already paroled will be confined.

H. W. HALLECK,
General-in-Chief.

Major Generals ROSECRANS, HURLBUT, (for General GRANT,) SCHOFIELD, DIX, FOSTER, HOOKER, SCHENCK, HUNTER, BANKS.

H. Q. A., *January* 6, 1865. Official:

D. C. WAGER, *A. A. G.*

HEADQUARTERS OF THE ARMY,
Washington, D. C., May 25, 1863.

Major General BURNSIDE, *Cincinnati:*

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No more confederate officers will be paroled or exchanged till further orders. They will be kept in close confinement and strongly guarded.

H. W. HALLECK,
General-in-Chief.

H. Q. A., *January* 6, 1865. Official:

D. C. WAGER, *A. A. G.*

HEADQUARTERS DEPARTMENT OF VIRGINIA,
Seventh Army Corps, Fort Monroe, May 30, 1863.

GENERAL: I have the honor to report that the following officers and men have been declared duly exchanged as prisoners of war since the announcement in General Orders No. 117, of May 9, 1863:

1. All officers, naval and military, delivered at City Point up to May 30, 1863.

2. All the officers and men of the steamers Hatteras, Queen of the West, Mercedita, Harriet Lane, Isaac Smith, Columbia, Indianola, and schooner Vassar.

3. All the officers and enlisted men captured and paroled at Holly Springs, Mississippi, December, 1862.

4. All the officers and enlisted men of the seventy-first (71st) regiment Indiana volunteers captured at Muldraugh's hill, Kentucky, in December, 1862.

5. All the officers and enlisted men of the ninety-first (91st) regiment Illinois volunteers captured at Bacon creek and Nolin, Kentucky, December 26, 1862; Elizabethtown, Kentucky, December 27, 1862; and Muldraugh's hill, Kentucky, December 28, 1862.

6. All the officers and enlisted men captured at Mt. Sterling, Kentucky, in March, 1863.

7. All enlisted men of the fifty-first (51st) regiment Indiana volunteers, of the seventy-third (73d) regiment Indiana volunteers, of the third (3d) regiment Ohio volunteers, of the eightieth (80th) regiment Illinois volunteers, and of the first (1st) Tennessee cavalry, forming part of Straight's brigade, and captured near Cedar Bluff, Georgia, about the 1st of May, 1863.

8. All persons specially exchanged, and who have been specially notified of such exchange, either individually or through their commanding officer.

I am, very respectfully, your obedient servant,

WM. H. LUDLOW,
Lieutenant Colonel, and Agent for Exchange of Prisoners.

Brigadier General L. THOMAS, *A. G. U. S. A.*

H. Q. A., *Washington, D. C., January* 6, 1865. Official:

ROBERT N. SCOTT,
Major and A. A. G.

HEADQUARTERS DEPARTMENT OF VIRGINIA,
Seventh Army Corps, Fort Monroe, June 3, 1863.

SIR: You informed me at our last interview that you were instructed not to deliver any of the officers of Colonel Streight's command, captured at or near Cedar Bluff, Georgia, about the 1st of May last.

I now make a formal demand for them under the cartel, and tender to you their equivalents in your own officers now in our hands. If this demand and tender be refused, please frankly state the reasons therefor, that the issues presented may be fully understood and promptly met.

I am, very respectfully, your obedient servant,

WM. H. LUDLOW,
Lieutenant Colonel and Agent for Exchange of Prisoners.

Hon. ROBERT OULD,
Agent for Exchange of Prisoners.

Official:

ROBERT N. SCOTT,
Major and A. A. G.

CONFEDERATE STATES OF AMERICA,
War Department, Richmond, Va., June 5, 1863.

SIR: You ask me for a frank statement of the reasons for the detention of the officers of Streight's command.

Allegations have been officially received from the highest authority in Alabama, charging these officers with grave offences, as well against the laws of that State as the usages of civilized warfare. They are detained until the proper inquiry can be made and the facts ascertained, when a determination will be made by the confederate government whether they come within the obligations of the cartel as prisoners of war, or are to be dealt with as criminals against the laws of war and the State.

Respectfully, your obedient servant,

ROBERT OULD, *Agent of Exchange.*

Lieutenant Colonel WM. H. LUDLOW,
Agent of Exchange.

Official:

ROBERT N. SCOTT,
Major and A. A. G.

CONFEDERATE STATES OF AMERICA,
War Department, Richmond, Va., June 12, 1863.

SIR: I enclose to you the resolution of Congress in relation to retaliation. I thought that you had seen it in the papers transmitted to you, otherwise I would have sent it. I take it for granted that the confederate authorities purpose to carry out a resolution solemnly passed by them. I have not asked them whether they intend to do so, and I do not think I will ever be so inconsiderate as to make any such inquiry. I have thus frankly given my view as to this matter, and I beg leave to ask you, in return, whether it is the purpose of your government to execute its conscription act; and, further, how many men will be raised under its provisions? I feel so deep a personal interest in that subject that I hope I have not transgressed any propriety in propounding the inquiry, after the example you have set me.

Respectfully, your obedient servant,

ROBERT OULD, *Agent of Exchange.*

Lieutenant Colonel WM. H. LUDLOW,
Agent of Exchange.

Official:

ROBERT N. SCOTT,
Major and A. A. G.

HEADQUARTERS DEPARTMENT OF VIRGINIA,
Seventh Army Corps, Fort Monroe, June 14, 1863.

SIR: I assure you that you have not transgressed any propriety in your questions as to the purpose of the United States government to execute its conscription act, and as to the number of men who will be raised under its provisions.

I have the honor to inform you, in reply, that the conscription act is now being executed, and that a sufficient number of men will be raised under its provisions to bring this war to a speedy and successful conclusion.

My object in requesting of you a copy of the act of the confederate congress, and information as to intentions to execute it, was to know officially what disposition, under the act, was proposed to be made of officers and men captured in arms, and who had been duly mustered into the service of the United States, and also that the issues thereby presented could be fully understood and properly met. Sections 4, 5, 6, and 7 of this act propose a gross and inexcusable breach of the cartel, both in letter and spirit. Upon reference to the cartel you will find no mention whatever of what was to be the color of prisoners of war. It was unnecessary to make any such mention, for, before the establishment of this cartel, and before one single negro or mulatto was mustered into the United States service, you had them organized in arms in Louisiana. You had Indians and half-breed Indians and negroes organized in arms under Albert Pike, in Arkansas. Subsequently, negroes were captured on the battle-field at Antietam and delivered as prisoners of war at Aiken's Landing to the confederate authorities, and receipted for and counted in exchange. And, more recently, the confederate legislature of Tennessee have passed an act forcing into their military service (I quote literally) all male free persons of color between the ages of fifteen and fifty, or such numbers as may be necessary, who may be sound in body and capable of actual service; and they further enacted that in the event of a sufficient number of free persons of color to meet the wants of the State shall not tender their services, then the governor is empowered, through the sheriffs of different counties, to impress such persons until the requisite number is obtained.

But it is needless to argue the question. You have not a foot of ground to stand upon in making the proposed discrimination among our captured officers and men.

I protest against it as a violation of the cartel, of the laws and usages of war, and of your own practices under them.

Passing events will clearly show the impracticability of executing the act referred to. In case, however, the attempt be made to execute it, I now give you formal notice that the United States government will throw its protection around all its officers and men without regard to color, and will promptly retaliate for all cases violating the cartel, or the laws and usages of war.

I am, very respectfully, your obedient servant,

WM. H. LUDLOW,
Lieutenant Colonel and Agent for Exchange of Prisoners.

Hon. ROBERT OULD,
Agent for Exchange of Prisoners.

Official:

ROBERT N. SCOTT,
Major and A. A. G.

HEADQUARTERS OF THE ARMY,
Washington, D. C., June 23, 1862.

Brigadier General BURBRIDGE, *Lexington, Ky.:*

You will exercise your own judgment about arresting and releasing from arrest General Hobson and his officers till your report is received.

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H. W. HALLECK,
Major General, Chief of Staff.

H. Q. A., *January* 6, 1865. Official:

D. C. WAGER, *A. A. G.*

HEADQUARTERS OF THE ARMY,
Washington, D. C., June 21, 1864.

Brigadier General BURBRIDGE, *Lexington:*

If General Hobson and staff entered into any agreement or gave paroles not in accordance with the cartel, they must be arrested, and the facts reported to the War Department for its action. It was their duty to compel the enemy to guard them so as to prevent an escape or recapture, and not to relieve him from that difficulty by any agreement. All paroled soldiers will be returned to the ranks, and paroled officers reported for disobedience of orders.

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H. W. HALLECK,
Major General, Chief of Staff.

H. Q. A., *January* 6, 1865. Official:

D. C. WAGER, *A. A. G.*

BALTIMORE, *June* 29, 1863.

Major General H. W. HALLECK, *General-in-Chief:*

Three hundred and eighty men, captured by Stewart, have arrived at the Relay House, paroled on the river. Are such paroles regarded as binding now? I have seen a newspaper statement that the commission have agreed that there must be actual personal delivery by the captors at points indicated. I want to know if I shall send these men to Annapolis.

ROBERT C. SCHENCK,
Major General.

H. Q. A., *January* 6, 1865. Official:

D. C. WAGER, *A. A. G.*

HEADQUARTERS OF THE ARMY,
Washington, D. C., June 30, 1863.

Major General SCHENCK, *Baltimore:*

If paroles have been given in accordance with the cartel and general orders, they are valid; if not, not valid. I cannot act upon any single case till I know precisely what it is. A court is investigating the cases of paroled officers who came in here.

You have all the orders and instructions in relation to paroles.

H. W. HALLECK,
Major General, Chief of Staff.

H. Q. A., *January* 6, 1865. Official:

D. C. WAGER, *A. A. G.*

HEADQUARTERS OF THE ARMY,
Washington, D. C., June 30, 1863.

Colonel LUDLOW, *Fort Monroe:*

The Secretary of War directs that officers captured by General Dix be not exchanged till further orders. It is reported that rebel officers in the west have disregarded the cartel.

H. W. HALLECK,
General-in-Chief.

H. Q. A., *January* 6, 1865. Official:

D. C. WAGER, *A. A. G.*

HEADQUARTERS DEPARTMENT OF VIRGINIA,
Seventh Army Corps, Fort Monroe, July 1, 1863.

Colonel J. C. KELTON,
Assistant Adjutant General, Headquarters Army:

I have the honor to acknowledge the receipt of the telegram of the general-in-chief, directing that the officers captured by Major General Dix be not exchanged.

No exchange of confederate officers has been made since the order of the 25th of May last, forbidding paroling or exchanging such officers.

Brigadier General W. Fitzhugh Lee, wounded, is in hospital here, on the certificate of the medical director that he required hospital treatment. General Lee has given his parole to confine himself to the hospital and make no attempt to escape. As soon as he can be moved, he will be sent to Fort Delaware, as we have no place of confinement here. This retention settles all questions about hanging our officers.

In order to obviate all misunderstandings in regard to paroles, I gave Mr. Ould, on the 23d of May, the notice, a copy of which is enclosed. Under its operation we shall derive great advantages, as every capture must be reduced to possession, except in cases where commanders of opposing armies, under the authority of article 7 of the cartel, otherwise arrange. It had been the practice, especially in Kentucky and Tennessee, of the confederate forces to parole our captured officers and men when they were unable to bring them away, and thus preserve their own force unimpared to make more captures.

If this rule of reducing captures to possession be not fully understood, I would respectfully suggest that it be announced in general orders.

May I ask what rebel officers in the west are reported as having disregarded the cartel, and under what circumstances?

Various other questions connected with exchanges have been subjects of correspondence between Mr. Ould and myself. I have endeavored to dispose of them to the best of my judgment and ability, and I have forborne to press them upon the already crowded attention of the general-in-chief.

If he so desires, I will forward copies. For the present, exchanges of officers and citizens are not made. Those of enlisted men continue.

I am, very respectfully, your obedient servant,

WM. H. LUDLOW,
Lieutenant Colonel and Assistant Inspector General,
Seventh Army Corps, Agent for Exchange of Prisoners.

Official:

ROBERT N. SCOTT, *Major, A. A. G.*

NEAR VICKSBURG, *July* 4, 1863.

Major General H. W. HALLECK, *General-in-Chief:*

The enemy surrendered this morning. The only terms allowed is their parole as prisoners of war. This I regarded as of great advantage to us at this juncture. It saves, probably, several days in the capture of the town—leaves troops and transports ready for immediate service.

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U. S. GRANT, *Major General.*

H. Q. A., *January* 6, 1865. Official:

D. C. WAGER, *A. A. G.*

HEADQUARTERS OF THE ARMY,
Washington, D. C., July 8, 1863.

Major General GRANT, *Vicksburg:*

I fear your paroling the garrison at Vicksburg without actual delivery to a proper agent, as required by the seventh article of the cartel, may be construed into an absolute release, and that these men will be immediately placed in the ranks of the enemy. Such has been the case elsewhere.

If these prisoners have not been allowed to depart, you will retain them till further orders.

H. W. HALLECK, *General-in-Chief.*

H. Q. A., *January* 6, 1865. Official:

D. C. WAGER, *A. A. G.*

HEADQUARTERS OF THE ARMY,
Washington, D. C., July 10, 1863.

Major General GRANT, *Vicksburg:*

On a full examination of the question, it is decided that you, as the commander of an army, were authorized to agree upon the parole and release of the garrison of Vicksburg with the general commanding the place.

H. W. HALLECK, *General-in-Chief.*

H. Q. A., *January* 6, 1865. Official:

D. C. WAGER, *A. A. G.*

HEADQUARTERS DEPARTMENT OF VIRGINIA,
Seventh Army Corps, Fort Monroe, July 7, 1863.

COLONEL: I have the honor to acknowledge the receipt of the telegram of the 6th instant of the general-in-chief, directing certain communications to be made to Mr. Ould, agent for the exchange of prisoners, and to inform you that the instructions have been obeyed.

I am, very respectfully, your obedient servant,

WILLIAM H. LUDLOW,
Lieutenant Colonel, Assistant Inspector General,
Seventh Army Corps, Agent for Exchange of Prisoners.

Col. J. C. KELTON,
A. A. General, Headquarters of the Army.

P. S.—I have the honor also to state that, since the 22d of May last, it has been distinctly understood between Mr. Ould and myself that all captures must be reduced to possession, and that all paroles are to be disregarded unless taken under the special arrangement of commanding officers of armies in the field, as prescribed in section seven of the cartel.

WILLIAM H. LUDLOW,
Lieutenant Colonel, &c.

HEADQUARTERS OF THE ARMY,
Washington, D. C., January 6, 1865.

Official:

ROBERT N. SCOTT,
Major and A. A. G.

HEADQUARTERS DEPARTMENT OF VIRGINIA,
Seventh Army Corps, Fort Monroe, July 7, 1863.

COLONEL: I have the honor to acknowledge the receipt of the communication of the general-in-chief of the 2d instant, and enclosing a copy of report of General Rosecrans upon General Bragg's letter.

I have before, in accordance with instructions, called the attention of the confederate authorities to the outrage complained of, but have not yet received from them the promised reply. I will renew my demand. I have also demanded the release of the officers of Colonel Streight's command, as per correspondence enclosed. I have also met the issue as presented by the act of the confederate congress, as per correspondence also enclosed, copies of which were furnished to the Secretary of War.

I am informed, unofficially, that the charges against the officers of Colonel Streight's command are unfounded. The confederate authorities are evidently very much embarrassed as to what course to take to extricate themselves from the dilemma imposed by the passage of their act of congress above referred to. The first sections of this act, you may recollect, nullified in express terms the proclamation of Jefferson Davis, and the subsequent sections, apparently designed as a "tub to the whale" of what they considered their popular sentiment, have complicated matters in relation to their own officers worse than before.

After the escape, through the criminal negligence of the officer in charge, of the paroled confederate officers from the steamer Maple Leaf, I gave notice to Mr. Ould that if ever captured, without exchange, they would be hung.

In reply, he expressed a desire to settle the matter by giving their equivalents.

I am, very respectfully, your obedient servant,

WILLIAM H. LUDLOW,
Lieutenant Colonel and Assistant Inspector General,
Seventh Army Corps, Agent for Exchange of Prisoners.

Col. J. C. KELTON, *A. A. General.*

Official:

ROBERT N. SCOTT,
Major and A. A. G.

FORT MONROE, *July* 7, 1863.

Colonel J. C. KELTON:

I respectfully ask the instruction of the general-in-chief as to what shall be done with the many cases of prisoners of war who desire to take the oath of allegiance to the United States; also, deserters who express same desire.

W. H. LUDLOW,
Lieutenant Colonel, and Agent of Exchange of Prisoners.

H. Q. A., *January* 6, 1865. Official:

D. C. WAGER, *A. A. G.*

HEADQUARTERS OF THE ARMY,
Washington, D. C., July 8, 1863.

Colonel W. H. LUDLOW, *Fort Monroe:*

The Secretary of War directs that you permit such deserters and prisoners of war as you deem it safe and proper to trust to take the oath of allegiance and go north.

H. W. HALLECK, *General-in-Chief.*

H. Q. A., *January* 6, 1865. Official:

D. C. WAGER, *A. A. G.*

HEADQUARTERS OF THE ARMY,
Washington, D. C., July 9, 1863.

Major General MEADE, *Army of the Potomac:*

If no arrangement was made between you and General Lee for the exchange and parole of prisoners of war by desiginating places of delivery, as provided in seventh article of cartel, no parole given by the troops of either army is valid. Please answer, if any such agreement was made.

H. W. HALLECK, *General-in-Chief.*

H. Q. A., *January* 6, 1865. Official:

D. C. WAGER, *A. A. G.*

HEADQUARTERS OF THE ARMY,
Washington, D. C., July 10, 1863.

Major General MEADE, *Army of the Potomac:*
Major General SCHENCK, *Baltimore:*
Brigadier General L. THOMAS, *Harrisburg:*

It has been understood and agreed between Colonel Ludlow and Mr. Ould, agents for exchange of prisoners, that paroles not given as prescribed in section seven of the cartel, after May 22, are to be considered as null and void, and that the officers and men of the respective parties paroled not in accordance with that section of the cartel will be returned to duty without exchange. They will be so returned to duty.

H. W. HALLECK, *General-in-Chief.*

H. Q. A., *January* 6, 1865. Official:

D. C. WAGER, *A. A. G.*

HEADQUARTERS DEPARTMENT OF VIRGINIA,
Seventh Army Corps, Fort Monroe, July 12, 1863.

COLONEL: I am informed that Captain H. W. Sawyer, 1st New Jersey cavalry, and Captain John Flynn, 51st Regiment Indiana volunteers, have been selected by lot and reserved for execution in retaliation for the execution of Captains Corbin and McGraw, as spies, by the order of Major General Burnside.

I have the honor to enclose to you copies of correspondence with Mr. Ould on this subject in May last, when he informed me that two of our officers had then been selected for execution.

It now seems that other two have been selected.

I respectfully and earnestly recommend that two confederate officers now in our hands be immediately selected for execution in retaliation for the threatened one of Sawyer and Flynn, and that I be authorized to communicate their names to the confederate authorities, with the proper notice.

I am, very respectfully, your obedient servant,

WILLIAM H. LUDLOW,
Lieut. Col. and Agent for Exchange of Prisoners.

Colonel J. C. KELTON,
Assistant Adjutant General.

Official:

ROBERT N. SCOTT,
Major and Assistant Adjutant General.

HEADQUARTERS DEPARTMENT OF VIRGINIA,
Seventh Army Corps, Fort Monroe, July 12, 1863.

COLONEL: I have the honor to acknowledge the receipt of the instructions of the general-in-chief in reference to the case of Dr. Rucker.

I am, very respectfully, your obedient servant,

WILLIAM H. LUDLOW,
Lieut. Col. and Agent for Exchange of Prisoners.

Colonel J. C. KELTON,
Assistant Adjutant General.

Official:

ROBERT N. SCOTT,
Major and Assistant Adjutant General.

CINCINNATI, *July* 27, 1863.

General H. W. HALLECK, *General-in-Chief:*

There will be about three thousand prisoners of Morgan's command, including more than two hundred officers. * * * I would respectfully suggest that they be the last exchanged.

A. E. BURNSIDE, *Major General.*

H. Q. A., *January* 6, 1865. Official:

D. C. WAGER, *A. A. G.*

HEADQUARTERS OF THE ARMY,
Washington, D. C., August 1, 1863.

Major General ROSECRANS, *Nashville:*

A Major Jones, 28th Mississippi, has presented himself, with authority by you, to go south on parole. Such authority is in violation of the orders of the War Department, and the parole null and void.

H. W. HALLECK, *General-in-Chief.*

H. Q. A., *January* 6, 1865. Official:

D. C. WAGER, *A. A. G.*

WINCHESTER, TENN., *August* 1, 1863.

Major General HALLECK:

The case of Major Jones was peculiar. He had promise from General Granger before the publication of that order; wounds prevented him from availing himself of it until lately. An urgent appeal from him and Granger's recommendation induced me to regard Granger's promise as a sort of contract. I leave the matter in your hands.

W. S. ROSECRANS, *Major General.*

H. Q. A., *January* 6, 1865. Official:

D. C. WAGER, *A. A. G.*

HEADQUARTERS OF THE ARMY,
Washington, D. C., August 11, 1863.

[Memorandum for Major General Hitchcock.]

Robert Ould, agent of exchange of prisoners, in his letter of August 5, to Brigadier General S. A. Meredith claims that the prisoners captured and paroled by the enemy's forces in Maryland and elsewhere, prior to the 3d of July, should either be regarded as legally paroled or returned to the enemy as prisoners of war.

It will be observed that General Order No. 100, current series, simply announces general principles, which apply only in the absence of special agreements. So far from changing in any way the cartel, Lieutenant Colonel Ludlow notified Mr. Ould, at the time of giving him this order, that our government would regard no parole as binding which was not given in conformity with the provisions of the cartel. This was not only fully understood at the time, but, it is alleged and believed, has been carried out by the enemy, whenever it suited his convenience. It is understood that rebel prisoners illegally paroled by our officers have been returned to the ranks without exchange.

In regard to the prisoners paroled in Maryland and Pennsylvania by General Lee and his officers, it is stated by General Meade that General Lee requested him to appoint a place of exchange in accordance with the provisions of the cartel, and that he (General Meade) declined the proposition. Nevertheless, in order to disembarrass himself from the care of these prisoners, General Lee proceeded to parole them. General Lee's officers, in receiving these paroles, and our officers and men in giving them, knew, or ought to have known, that they were utterly null and void.

And now, after having released our men on illegal paroles, in order to avoid guarding and feeding them, when his army was hard pressed and retreating before General Meade, General Lee, or rather his agent, Mr. Ould, insists that the United States government shall either respect these illegal paroles or deliver the persons so paroled to the confederate authorities at City Point. This is certainly a most extraordinary demand, and cannot be acceded to.

In order, however, to avoid any difficulty on this point, General Meredith will be authorized to agree with Mr. Ould that all paroles given by officers and men on either side between the 23d of May and 3d of July, not in conformity with the stipulations of the cartel, be regarded as null and void, a declaration to that effect being published to the armies of both belligerents.

The other three points mentioned in General Meredith's letter of the 7th instant seem to be fully understood by him. The government of the United States will, under no circumstances, yield either of these points.

The foregoing memorandum has been examined and approved by the Secretary of War.

H. W. HALLECK, *General-in-Chief.*

H. Q. A., *January* 3, 1865. Official copy:

J. C. KELTON, *A. A. G.*

CONFEDERATE STATES OF AMERICA,
War Department, Richmond, Va., August 16, 1863.

Brigadier General S. A. MEREDITH, *Agent of Exchange:*

SIR: I respectfully call your attention to the correspondence between Lieutenant Colonel Ludlow and myself, in relation to Dr. Rucker and the detention of surgeons, and especially to my communication of the 23d of June last.

Lieutenant Colonel Ludlow, in his reply, bearing date July 12, 1863, says: "As understood by me, Dr. Rucker's alleged offences were committed in West Virginia, within the territory militarily occupied at the time by the troops of the United States. If so, by the laws and usages of war your authorities have no jurisdiction in his case."

Paragraph 59 of your General Order No. 100 does not make the distinction of military occupation suggested by Lieutenant Colonel Ludlow. It says: "A prisoner of war remains answerable for his crimes committed against his captors before he was captured, and for which he has not been punished by his own authorities." Any construction which would not include such "crimes" as were committed within the territory militarily occupied by the army to which the offender belongs would leave the provision almost without any meaning. In Dr. Rucker's case, however, the distinction is without avail. I have delayed thus long in answering Lieutenant Colonel Ludlow's communication of the 12th ultimo, in order that I might obtain accurate information as to the facts in the case.

He is indicted for murder committed on the 23d of July, 1861, upon a citizen of Virginia. At that time no federal force was there, or never had been. The United States forces did not invade the county or region until May, 1862. He is also indicted for stealing a horse in January, 1862. He is, moreover, charged with other offences committed while the federal forces were in the country.

Whatever, therefore, may be the construction placed upon the general order, so far as military occupation is concerned, Dr. Rucker's case is certainly embraced within the provisions of paragraph 59.

I am also reliably informed that, at the time of at least some of the offences charged against him, Dr. Rucker had no connexion with your army. It will hardly be contended, I suppose, that immunity for crimes already committed can be purchased by joining the forces of an invading army.

The correspondence between Lieutenant Colonel Ludlow and myself seems to indicate that the only hindrance to the immediate and unconditional release of all surgeons is to be found in the detention of Dr. Rucker; and further, if such detention could find its justification in your general orders, even that hindrance would be removed.

I therefore bring to your attention the foregoing facts, drawn from the indictments against Dr. Rucker, by which it very clearly appears that he is rightfully held, and therefore Dr. Green wrongfully detained in retaliation.

I accordingly renew to you the proposition heretofore made by me, that all surgeons now held on both sides, with the exception of Dr. Rucker, be released without delay. I have no objection to extend the proposition to nurses and members of the sanitary commissions. I would, however, much prefer that it should embrace all non-combatants.

I will be much obliged to you if you give an early specific reply to the propositions herein contained.

Respectfully, your obedient servant,

RO. OULD,
Agent of Exchange.

H. Q. A., *January* 4, 1865. Official copy:

R N. SCOTT, *A. A. G.*

August 16, 1863.

Robt. Ould:

In relation to Dr. Rucker and the exchange of medical officers, there is reason to suppose that Dr. Rucker has from the first been confined on various pretences,

but in reality because of his strong attachment to the Union. He has been twice tried and acquitted by Virginia courts, and is now held upon some third accusation, the nature of which is unknown to the undersigned.

E. A. HITCHCOCK,
Commissioner for Exchange of Prisoners.

H. Q. A., *January* 4, 1865. Official copy:

ROBERT SCOTT,
Major and A. A. G.

WASHINGTON CITY, D. C., *August* 27, 1863.

Major General H. W. HALLECK, *General-in-Chief, &c.:*

SIR: The following passage occurs in a communication of the 25th instant, from General Meredith, reporting the results of his recent interview with Mr. Robert Ould at City Point, to wit:

"To my demand that all officers commanding negro troops, and negro troops themselves, should be treated as other prisoners of war, and be exchanged as such, Mr. Ould declined acceding, remarking that they (the rebels) would 'die in the last ditch' before giving up the right to send slaves back to slavery as property recaptured, but that they were willing to make exception in the case of free blacks. He would not exactly tell me how his authorities intended to distinguish between the two (free and slave) but presumed that evidence as to the fact of freedom would be taken into consideration. As their laws put slave and free on the same footing, no comment is necessary."

Communicated for the information of the general-in-chief.

Very respectfully, your obedient servant,

E. A. HITCHCOCK,
Major General Volunteers, Com. for Ex. of Prisoners.

H. Q. A., *January* 4, 1865. Official copy:

ROBERT N. SCOTT, *A. A. G.*

WASHINGTON CITY, D. C., *August* 27, 1863.

SIR: The proposal of the 12th instant, on the subject of *paroles*, directed by you with the approval of the Hon. Secretary of War, was presented to Mr. Robert Ould by General Meredith on the 24th instant, and was declined; and Mr. Ould submits the following proposal: that—

"All paroles on both sides heretofore given shall be determined by the general orders issued by the War Department of the United States, to wit: No. 49, No. 100, and No. 207 of this year, according to their respective dates, and in conformity with paragraph 131, General Order No. 100, so long as said paragraph was in force. If this proposition is not accepted, I propose that the practice heretofore adopted respecting paroles and exchanges be continued. In other words, I propose that the whole question of paroles be determined by the general orders of the United States, according to their dates, or that it be decided by former practice."

This proposal bears date the 24th of August, at City Point. The questions connected with this matter are respectfully submitted.

I have the honor to be, respectfully, your obedient servant,

E. A. HITCHCOCK,
Maj. Gen. Vols., Com'r for Ex. of Prisoners.

Major General H. W. HALLECK,
General-in-Chief, &c.

H. Q. A., *January* 4, 1865. Official copy:

ROBERT N. SCOTT, *A. A. G.*

WASHINGTON CITY, D. C., *August* 27, 1863.

SIR: General Meredith reports by letter, of the 25th instant, that in his late interview with Mr. Ould the latter proposed "to exchange officer for officer of the same grade, except *such as are in command of negro troops,*" which General Meredith (very properly) declined.

Communicated for the information of the general-in-chief.

Very respectfully, your obedient servant,

E. A. HITCHCOCK,
Maj. Gen. Vols., Com'r for Ex. of Prisoners.

Major General H. W. HALLECK,
General-in-Chief.

H. Q. A., *January* 4, 1865. Official copy:

ROBERT N. SCOTT,
Major and A. A. G.

WAR DEPARTMENT,
Washington City, September 11, 1863.

GENERAL: Had you not better telegraph to General Burnside not to parole his prisoners?

Yours, truly,

EDWIN M. STANTON.

Major General HALLECK,
General-in-Chief.

H. Q. A., *January* 4, 1865. Official copy:

ROBERT N. SCOTT,
Major and A. A. G.

HEADQUARTERS OF THE ARMY,
Washington, D. C., September 11, 1863.

Major General BURNSIDE, *Cumberland Gap:*

Parole no prisoners. It is reported that the enemy is forcing into the ranks those paroled by General Grant, without exchange.

H. W. HALLECK, *General-in-Chief.*

H. Q. A., *January* 6, 1865. Official:

D. C. WAGER, *A. A. G.*

HEADQUARTERS OF THE ARMY,
Washington, D. C., October 16, 1863.

Headquarters, Department of the Ohio, Cincinnati:

John R. Lyle will not be held as a spy, but will be treated as other prisoners of war, subject to exchange.

H. W. HALLECK, *General-in-Chief.*

H. Q. A., *January* 6, 1865. Official:

D. C. WAGER, *A. A. G*

HEADQUARTERS OF THE ARMY, *October* 20, 1863.

COLONEL: The general-in-chief wishes to know the number of United States troops paroled but not yet exchanged.

Very respectfully,

J. C. KELTON, *A. A. G.*

Colonel HOFFMAN.

H. Q. A., *January* 4, 1865. Official copy:

ROBERT N. SCOTT, *A. A. G.*

(Indorsed.)

OCTOBER 20.

COLONEL: There are 1,371 men on parole, delivered at City Point in September.

Yours,

W. HOFFMAN.

OCTOBER 21, 1863.

General HITCHCOCK:

Cannot these men be declared exchanged and sent to the field?

H. W. HALLECK, *General-in-Chief.*

H. Q. A., *January* 4, 1865. Official copy:

R. N. SCOTT, *A. A. G.*

Memorandum touching the exchange of prisoners.

I am disposed to think that the irregularities set on foot by Mr. Ould must end somewhere, and had better be terminated by non-action on our part from the date of the last declaration. To declare the men exchanged who have been paroled since the 1st of September will seem to be following the example of Mr. Ould in a false direction, and can only tend to embarrass future efforts to return to the laws and usages of war. At all events, before making a further declaration of exchange on our part, it would be better to make one distinct effort to draw from the rebel agent a statement of the *kind* of paroled prisoners he claims as constituting his *rights* to make declarations.

Respectfully submitted.

E. A. HITCHCOCK,
Maj. Gen. Volunteers, Commissioner for Exchange.

H. Q. A., *January* 4, 1865. Official copy:

ROBERT N. SCOTT, *A. A. G.*

MEMPHIS, *November* 12, 1863.

Major General H. W. HALLECK, *General in-Chief:*

We have some 30 prisoners taken by Chalmers. He proposes an exchange for his officers and soldiers in our hands. Can I do so?

S. A. HURLBUT, *Major General.*

H. Q. A., January 6, 1865. Official:

D. C. WAGER, *A. A. G.*

CHATTANOOGA, *November* 26, 1863.

Major General H. W. HALLECK, *General-in-Chief:*

* * * * *

Among the prisoners are many who were paroled at Vicksburg. What shall I do with them?

GEO. H. THOMAS, *Major General.*

H. Q. A., *January* 6, 1865. Official:

D. C. WAGER, *A. A. G.*

HEADQUARTERS OF THE ARMY,
Washington, D. C., November 27, 1863.

Major General THOMAS, *Chattanooga:*

Vicksburg prisoners recaptured will not be exchanged without further orders. They will be sent to depots the same as other prisoners of war.

H. W. HALLECK, *General-in-Chief.*

H. Q. A., *January* 6, 1865. Official:

D. C. WAGER, *A. A. G.*

WASHINGTON, *December* 7, 1863.

GENERAL: I am authorized to offer, through you, to exchange all United States prisoners of war now in Richmond and its vicinity for equivalents, according to the scale of the cartel; these equivalents to be sent by us to City Point, leaving for future arrangement all questions in regard to other prisoners of war held by either party.

If the offer is accepted, you will please inform me of the numbers and the grades to be so exchanged, and the times of their delivery.

Very respectfully, your obedient servant,

H. W. HALLECK, *General-in-Chief.*

General ROBERT E. LEE, *Commanding, &c.*

H. Q. A., *January* 3, 1865. Official copy:

J. C. KELTON, *A. A. G.*

HEADQUARTERS ARMY N. VIRGINIA,
December 12, 1863.

GENERAL: I have had the honor to receive your letter of the 7th instant, proposing to exchange all United States prisoners of war now in Richmond and its vicinity for equivalents, according to the scale of the cartel, and to leave for future arrangement questions in regard to other prisoners of war held by either party.

The cartel having been agreed upon by both parties to regulate the exchange of all prisoners, I do not consider myself at liberty to depart from its provisions.

I regret, therefore, that I am unable to accept your offer.

Very respectfully, your obedient servant,

R. E. LEE, *General.*

General H. W. HALLECK,
Commander-in-Chief, Army of the United States.

H. Q. A., *January* 3, 1865. Official copy:

J. C. KELTON, *A. A. G.*

BELLE PLAIN, *May* 21, 1864.

General H. W. HALLECK, *Chief of Staff:*

I have captured three rebels. Two belonging to the army. One of them wishes to take the oath of allegiance and join the navy. Can he do so?

J. J. ABERCROMBIE,
Brigadier General Commanding.

H. Q. A., *January* 6, 1865. Official:

D. C. WAGER, *A. A. G.*

HEADQUARTERS OF THE ARMY,
Washington, D. C., May 21, 1864.

Brigadier General ABERCROMBIE, *Belle Plain:*

All rebel prisoners will be disposed of in the same way. The question of their taking the oath of allegiance will be determined hereafter.

H. W. HALLECK,
Major General, Chief of Staff.

H. Q. A., *January* 6, 1865. Official:

D. C. WAGER. *A. A. G.*

CINCINNATI, *June* 13, 1864.

General H. W. HALLECK, *Chief of Staff:*

The officers and men of the 171st and 168th Ohio National Guard that were captured on the 11th of June at and near Cynthia, have arrived in this city, and I have sent them to Camp Dennison. They have been paroled, but, so far as I can learn, in an unauthorized manner. So soon as I can get a report it will be forwarded. General Holson and the field officers are at Falmouth, Kentucky, on some conditional parole, the terms of which I have not learned.

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S. P. HEINTZELMAN, *Major General.*

H. Q. A., *January* 6, 1865. Official:

D. C. WAGER, *A. A. G.*

ATLANTA, GA., *September* 9, 1864.

Major General HALLECK, *Chief of Staff:*

* * * * * * * * *

Last eve Hood sent in a flag of truce asking to exchange prisoners. I have about two thousand on hand, and will exchange, if he will make a fair deal. I have sent out my inspector general to confer and agree, and to make arrangements for the exodus of citizens. I am not willing to have Atlanta encumbered by the families of our enemies. I want it a pure Gibraltar, and will have it so by the first of October.

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W. T. SHERMAN, *Major General.*

H. Q. A., *January* 6, 1865. Official:

D. C. WAGER, *A. A. G.*

ATLANTA, GA., *September* 29, 1864.

Major General HALLECK, *Chief of Staff:*

I have now effected the actual exchange of two thousand prisoners of my own army. Our prisoners have been moved from Andersonville to Savannah, Millen, and Charleston. Any change will be for the better. I have agreed with Hood to send to Griffin, to be forwarded to our prisoners, a supply of clothing, soap, combs, &c. The latter will be furnished by the sanitary commission, and the former by the quartermaster's department.

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W. T. SHERMAN, *Major General.*

H. Q. A., *January* 6, 1865. Official:

D. C. WAGER, *A. A. G.*

DEPARTMENT OF THE GULF.

HEADQUARTERS DEPARTMENT OF THE GULF,
New Orleans, August 7, 1863.

GENERAL: Your despatch of the 25th July I have received. It gives me pleasure to say, in reply, that the parole of the prisoners captured at Port Hudson was strictly in accordance with the cartel. The arrangement was made with General Gardner, one of the opposing generals; and the place of delivery of the prisoners, the manner of their departure, and the conditions, were all agreed to by him, and attested with his signature; otherwise not one of the men would have been paroled. I have the honor to forward herewith copies of the papers, which, I think, will answer all the conditions of the cartel. The prisoners insisted upon having each a copy of his parole, that they might not be compelled to enter service again until they were exchanged.

It was almost a matter of necessity that we should parole them. Twenty-two nine-months regiments were about leaving; there were twelve to fifteen thousand of the enemy on the Mississippi between Port Hudson and New Orleans, against whom it was necessary to move our whole force, and we had neither men to guard nor transports to move them to a place of safety. I am sure, however, that the proceedings were in accordance with the conditions of the cartel, and that the men can be punished if found in arms against the gov ernment before being regularly exchanged.

I have the honor to be, with much respect, your obedient servant,

N. P. BANKS,
Major General Commanding.

Major General HALLECK, *Commander-in-Chief, &c.*

H. Q. A., *January* 4, 1865. Official copy:

J. C. KELTON, *A. A. G.*

HEADQUARTERS DEPARTMENT OF THE GULF,
New Orleans, September 2, 1863.

GENERAL: I have the honor to acknowledge the receipt of your letter of August 23, in reference to the release of prisoners of war from the parole given by them in consequence of the violation of the cartel of exchange. In order that you may understand fully the ground of my action in this case, I enclose to you copies of the general orders from the Adjutant General's office at Washington, all my own general orders relating to this subject, and a letter from the

commissary general of prisoners, in regard to the prisoners of war captured at Gettysburg. These documents will explain fully the ground upon which my decision must rest.

You will readily see that you cannot apply to the paroled prisoners of Vicksburg and Port Hudson the same decision upon the same grounds. The prisoners of war captured at Port Hudson are paroled upon a distinct arrangement made between Major General Gardner and myself, and all the papers relating to the parole were agreed to and signed by the respective commanders of the two armies. To show that the government of the United States did not expect the confederate government to regard a parole given in contravention of the cartel of exchange, I may say that specific inquiry was made of me whether the parole of prisoners of war was made with the consent of Major General Gardner, upon the supposition that if it was not so made the parole would not be regarded by the confederate government, and the prisoners would be immediately placed in the army.

The prisoners of war referred to in your letter were not delivered at either of the points agreed on in the cartel of July, 1862, nor to any officer of the United States duly authorized to receive them, nor were they so delivered at a point mutually agreed upon between or by the consent, expressed or implied, of the commanders of the opposing armies. Their parole, being thus unauthorized, was declared void, in accordance with instructions from the War Department; in accordance with the notice given to the authorities of the United States by the Confederate States commissioner of exchange; and in accordance with the action of General Lee after the battle of Gettysburg in returning to duty, upon the same grounds, prisoners paroled by General Meade in the same manner and under similar circumstances. The prisoners taken by the United States were regularly paroled in accordance with the terms of the cartel, by special and written agreements between the generals commanding the opposing forces, viz: between Generals Grant and Pemberton at Vicksburg, and between Generals Banks and Gardner at Port Hudson. Their paroles were in every respect, in form and substance, in conformity to the agreement between the belligerents by which the subject is governed, viz: the cartel of July, 1862. It is proper to say, in this connexion, that the paroles previously given by agreement between Generals Taylor and Weitzel, for example, in the case of the Diana, are regarded as valid, and that the paroles administered by the provost marshals of the United States at Franklin, New Iberia, and Opelousas, during our occupancy of the Teche country, are, for the above reasons, to be treated as void. The United States makes, and has made, no complaints in regard to the Gettysburg prisoners, but accepts their case, and the notice given by the confederate government, as determining the practice in all cases, and as requiring in every instance an exact conformity to the terms of the cartel of exchange.

I have the honor to be, with much respect, your obedient servant,

N. P. BANKS,
Major General Commanding.

Major General TAYLOR,
Commanding Confederate Forces, Western Louisiana.

H. Q. A., *January* 4, 1865. Official copy:

J. C. KELTON, *A. A. G.*

HEADQUARTERS, WESTERN DISTRICT, LA.,
September 21, 1863.

GENERAL: I have the honor to acknowledge the receipt of your reply to my communication respecting the release of the prisoners captured by me in June last from the parole given by them.

My motive in discharging these men on their parole was the humane one of relieving them from the position extremely unpleasant under the most favorable conditions of prisoners of war under close guard. This release was not effected until after the lapse of many days subsequent to their capture. It was made at a distance from their own lines, and with no force threatening me so as to render it an object to be rid of the burden of guarding and maintaining them. It was done with the assent and approval of their immediate commanding officers, and in this respect the requirements of the cartel of exchange were complied with to the letter. Moreover, their release under parole was in accordance with a practice which had all the force of an express agreement between the commanders of the opposing armies, and which controlled the case of the men captured on the Diana, the regularity of whose parole you recognize.

The absence of all similarity between this case and the case of captured officers and men paroled on the field, to avoid the necessity of guarding and removing them, is too obvious to be dwelt upon. The agreement between the agents of exchange, a copy of which you send me, was made to prevent a repetition of the latter abuse, and although it had no application to the case of the prisoners released at Brashear, I had no notice of it, and could have received none at the time I returned your captured men. I had the honor of calling your attention in my first communication to the eighth rule in regard to paroles, published by the government of the United States on the 28th of February last, for an official copy of which I am indebted to you. It is there prescribed as the proper rule of conduct for a prisoner of war whose engagement is disowned by his government, to return and surrender himself to the capturing power. This is the case of the Brashear prisoners, and I claim, as I have claimed, compliance with the established usages of war, by their return to their original condition as prisoners of war.

It is highly desirable that for the future all occasion for the renewal of difficulties respecting the exchange or release of prisoners of war in this military district should be removed.

I assure you, general, that you concur with me in the propriety of alleviating as far as possible the condition of those whom the fate of war may place in the power of either belligerent.

If you think that a convention can be entered into by which the release of the prisoners under parole can be effected without the necessity of transporting them to distant points for exchange or release, I am ready, upon my part, to concur in any arrangement which will attain this object.

I have the honor to be yours, &c., &c.,

R. TAYLOR, *Major General.*

Major General N. P. BANKS,
Com'dg United States Forces in Louisiana.

H. Q. A., *January 5*, 1865. Official copy:

J. C. KELTON, *A. A. G.*

HEADQUARTERS DEPARTMENT OF THE GULF,
New Orleans, October 16, 1863.

GENERAL: The attention of the government is earnestly called to the condition of the prisoners captured at Galveston on the 1st day of January, and now in Texas with some other prisoners subsequently captured at different places. These prisoners are at Camp Grosse, in Texas, and number: officers 29, soldiers 12, and sailors 86, being 127 in all. They have suffered greatly from confinement, and think they have been neglected by the government, which they say should have made provision for their exchange. I commend earnestly this sub-

ject to the consideration of the War Department, and hope that some speedy action for their relief may be taken. There are also many officers held prisoners at Shreveport.

I have the honor to be, with much respect, your obedient servant,

N. P. BANKS,
Major General Commanding.

Major General H. W. HALLECK,
General-in-Chief U. S. A., Washington, D. C.

H. Q. A., *January* 4, 1865. Official copy:

J. C. KELTON, *A. A. G.*

HEADQUARTERS DEPARTMENT OF THE GULF,
New Orleans, October 16, 1863.

GENERAL: We have had many pressing applications for the special exchange of Major Howard, of Texas. Recently the commanding general at Mobile has solicited a special exchange of Major Howard. We have, of course, declined the applications. When at Alexandria last summer, in a very large Texas mail that was captured, it was stated that Major Howard, then recently captured, was one of the most important men in the confederate army, and that his exchange must be effected at any cost. Thinking it possible that application may be made to the commission for the United States for his exchange, I respectfully request that he may be notified of these facts.

I am, with high consideration, very respectfully yours, &c.,

N. P. BANKS,
Major General Commanding.

Major General H. W. HALLECK,
Commander-in-Chief, &c.

H. Q. A., *January* 4, 1865. Official copy:

J. C. KELTON, *A. A. G.*

VERMILLIONVILLE, LA., *November* 28, 1863.

SIR: I am instructed by Major General Taylor, commanding, to open communication at once with you on the subject of the exchange of prisoners, "stating that we have on hand several hundred prisoners, all of whom are without blankets, and many without shoes, and indifferently supplied with clothing, and whose sufferings this winter it will be impossible for us to alleviate. You will use every exertion consistent with the dignity of your position to perfect some arrangement, and in the event of success will exchange immediately man for man, &c."

In accordance with the above order, I therefore propose an immediate exchange of prisoners, or the opening of negotiations for that purpose, authorized by the cartel now in force, authorizing commanders in the field to enter into such negotiations. I send Assistant Adjutant General Wells, of my staff, charged with full authority in the premises.

I am, very respectfully, your obedient servant,

THOMAS GREEN,
Brigadier General, Com'dg 1st Division Cavalry.

To the COMMANDING OFFICER of the federal forces on the Teche.

Official:

J. C. KELTON, *A. A. G.*

HEADQUARTERS U. S. TROOPS IN WESTERN LOUISIANA,
New Iberia, November 29, 1863.

GENERAL: I acknowledge the receipt of Brigadier General Green's letter of the 27th or 28th instant, referring to an exchange of prisoners, which he is authorized by you to offer.

I state, in reply, that if you will commence the exchange without regard to the regiments or corps to which the prisoners belong, I am willing to exchange man for man, and will depute a general officer to arrange at once with General Green a place for the delivery of the prisoners on both sides.

I also make this proposition: I will have brought here, and send to such point of delivery as you may designate, clothing and blankets for the prisoners of war that remain in your hands, provided that you will permit the articles to be delivered to the prisoners, the United States engaging to pay a reasonable price for freight and handling.

Another matter which I have been intending for some time to bring to your notice is this: When a part of my force was at Carrion Crow bayou, previous to October 21 last, three of my men were placed as a safeguard at the house of a French subject, on the road from Carrion Crow bayou to Vermillion. I do not know his name. They were taken by some of your troops on the night before I moved forward from Carrion Crow bayou upon Opelousas. Another man who was placed as a safeguard in the house of Mrs. May, a widow, not far from Bisland, was captured in September last.

In my opinion, these men are not legitimate prisoners of war, and ought to be sent back to us with their arms and accoutrements without exchange. A precedent has been established in the armies in Virginia, as General R. E. Lee has lately sent back men to General Meade who were captured under precisely the same circumstances.

As my sole object in placing these safeguards was to lessen the sufferings of inoffensive persons, and was not in the slightest degree military or dependent upon the friendship or enmity of the persons to the United States, I hope that you will acknowledge the propriety of my request and return the prisoners referred to without exchange.

They are: Private Henry C. Marsh, company C, 12th Connecticut volunteers; private Francis C. W. Rogers, company D, 12th Connecticut volunteers; private Hugh Monroe, company H, 12th Connecticut volunteers; private Louis Ulrick, 165th New York volunteers.

I am, very respectfully, your obedient servant,

W. B. FRANKLIN,
Major General Commanding.

Official:

J. C. KELTON, *A. A. G.*

HEADQUARTERS DISTRICT WESTERN LOUISIANA,
Alexandria, November 30, 1863.

GENERAL: I have the honor to acknowledge the receipt of your communication, dated November 29, 1863. In reply I have the honor to state that if your expression of willingness to commence the exchange, without regard to the regiments and corps to which the prisoners belong, is intended to embrace those who belong to negro organizations, the instructions of my government preclude me from acceding thereto.

With the exceptions of members of such organizations, I am willing to exchange all prisoners, man for man.

In view of the hardships and sufferings to which the prisoners were subjected, and my inability to supply their wants of clothing, I despatched an officer to Vicksburg to endeavor to make an arrangement for their reception until they should be properly exchanged, and they have been moved in that direction; if such arrangement is effected the prisoners will not require the clothing and blankets to be forwarded to them as you propose. Should it not be effected, I will communicate with you on the subject so that those articles may reach them.

The officers of your command who are prisoners in my hands, a list of whom I forwarded to General Washburne shortly after their capture, are in want of clothing, and out of money and articles necessary for making them comfortable, which you may send to Brigadier General Green, and it will be delivered to them.

Recognizing your statement relative to the improper detention of the four men who were captured while acting as safeguards as being well-founded, I have directed their immediate release, and at the earliest practicable moment they shall be returned to your lines. I have taken steps to prevent the recurrence of this matter.

Should you accede to my proposition for exchanges as herein stated, I will appoint an officer authorized to negotiate with one whom you may appoint the necessary terms and details.

I am, very respectfully, your obedient servant,

R. TAYLOR,
Major General Commanding.

Major General W. B. FRANKLIN,
U. S. Service, Commanding Troops in Western Louisiana.

Official:

J. C. KELTON, *A. A. G.*

HEADQUARTERS DISTRICT WESTERN LOUISIANA,
Alexandria, December 3, 1863.

GENERAL: In reply to your communication of the 2d instant, I have to state that, while I believe I have no prisoners from your command belonging to negro organizations, the expression contained in your letter of the 29th ultimo, requiring as a condition precedent that I should agree to "the exchange without regard to the regiment or corps to which the prisoners belong," rendered it necessary that I should distinctly inform you that I was precluded by the instructions of my government from acceding to a proposition which would embrace that class of persons; otherwise I would clearly have committed myself to a policy, or at least to its recognition, in violation of positive instructions.

My inability to provide for the prisoners in my hands in such manner as I desire, and my anxiety to alleviate their condition by restoring them to their government, if satisfactory arrangements could be agreed upon between us, induced me to address you on the subject of their exchange.

I know that you have the means, and I do not doubt your inclination, to extend to the prisoners in your hands all the comforts and attentions to which the usages of war entitle them.

I am willing at all times to exchange with you, with the exception heretofore noted. Officer for officer, and enlisted man for enlisted man, at such point or points as we may agree upon.

The clothing and other necessary articles of comfort which you intend for the prisoners will be delivered to them. If you desire to send one of your offi-

cers for the purpose of distributing the clothing and money, permission will be granted him to visit the officers, prisoners, for that purpose.

I take occasion to inform you that orders of the Confederate States war department prevent the treasury notes of the United States from being delivered to or put in circulation by prisoners.

Gold and silver, notes of any banks chartered by the legislature of Louisiana, and Confederate States treasury notes may be sent to these officers.

Very respectfully, your obedient servant,

R. TAYLOR,
Major General Commanding.

Major General W. B. FRANKLIN,
Commanding U. S. Forces in Western Louisiana.

Official:

J. C. KELTON, *A. A. G.*

HEADQUARTERS FIRST DIVISION OF CAVALRY,
Vermillionville, December 4, 1863.

GENERAL: Enclosed I send you by Captain Wells, assistant adjutant general on my staff, a communication from General Taylor. Having no officers or soldiers of the class spoken of, in this district, and that question being unnecessary to be noted in an arrangement for the exchange of prisoners between yourself and General Taylor, I suppose the exchange will be effected, and it will be unnecessary to send clothing or money to your officers and men, who are prisoners in our hands. If, however, the negotiation should be again broken off, I will take great pleasure in facilitating you in forwarding money, clothing, or other articles to your officers or soldiers in our hands, in accordance with the terms contained in General Taylor's communication.

I am, general, very respectfully, your obedient servant,

THOMAS GREEN
Brig. Gen. Commanding 1st Div. of Cavalry, Western Louisiana.

Official:

J. C. KELTON, *A. A. G.*

HEADQUARTERS NINETEENTH ARMY CORPS,
New Iberia, La., December 13, 1863.

SIR: I have the honor to submit the following report of negotiations which have been made by me with Major W. M. Levy, commissioner in behalf of Major General R. Taylor, commanding Confederate States forces, for exchange of prisoners of war captured from the mutual commands.

In obedience to your instructions, under a flag of truce I met the confederate commissioner at Boutte's plantation, some five miles beyond our pickets, on the 12th December, and he having informed me, in behalf of Major General R. Taylor, that they had no officers or enlisted men belonging to negro organizations captured from this command, the enclosed cartel was agreed upon and signed by us in duplicate.

It will be noticed that all our commissioned officers were exchanged by me. I did so, being anxious, should it unfortunately occur by the fortunes of war that reprisals take place, that none of the officers of this command would be sufferers.

Having been notified that a Mr. Gatchell, a non-combatant, and a correspondent for the press, was detained in their hands, and, indeed, entered upon their lists of prisoners of war, I addressed an official communication to Major Levy,

requesting to be informed whether Mr. Gatchell was detained as such, and if not, whether he would be released. (Doc. 1.) The reply to these queries, and which I have the honor to enclose, (Doc. 2,) shows a determination to retain Mr. Gatchell, not as a prisoner of war, but as a reprisal, they asserting that a number of peaceful or non-combatant citizens have been seized by our forces.

The case of Mr. Gatchell is therefore respectfully referred to you by me, as it is likewise to Major General Taylor by his commissioner.

Upon our rolls of prisoners appeared the names of two commissioned officers and five enlisted men not belonging to Major General R. Taylor's command, and they were therefore not exchanged.

There being an excess of prisoners belonging to this command in the hands of Major General R. Taylor, his commissioner proposed to deliver them up to us as paroled prisoners, under certain conditions, as expressed in his letter. (Doc. 3.) As this would be binding us to the delivery of certain persons in exchange who had not been captured by this command as at present constituted, and also upon future captures, I informed Major Levy that I had no authority to enter into such agreement, but would refer it to you.

Their commissioner, therefore, very frankly stated the sufferings which must, of necessity, fall upon the prisoners left in their hands, and offered to deliver them paroled to our lines, provided I would agree to return them into their hands, should no agreement be entered into between yourself and Major General Taylor. (Doc. 4.)

As I viewed this to be binding upon you in the event of any different action being taken by the United States authorities, I declined so as to receive them, thanking him in my reply (Doc. 5) for the high-minded and humane spirit in which, I feel assured, the offer was made. I notified Major Levy that, should no cartel for the excess of prisoners be made, we should avail ourselves of the stipulation agreed upon to send the prisoners clothing and other necessaries for their comfort. He, in reply, very handsomely offered to allow us to send an officer (on parole of honor) with the clothing, he to see to its proper distribution.

The enlisted men who were captured while acting as safeguards on property of citizens are to be delivered back to us with their arms, equipments, &c., without condition or exchange, and orders have been issued by Major General Taylor against any capture in future of like safeguards.

I desire to mention the negotiations have been carried on with the best of feeling, and that the greatest liberality and straight forward candor has characterized the conduct of the officers who have met me in behalf of Major General R. Taylor, Confederate States army.

I am, sir, very respectfully, your obedient servant,

EDWARD L. MOLINEAUX,
Colonel and Acting Assistant Inspector General,
Commissioner for Exchange of Prisoners in behalf of
Major General W. B. Franklin, U. S. Army.

Major General W. B. FRANKLIN,
(Through Major WICKHAM HOFFMAN, *A. A. G.*)

Official:

ROBERT N. SCOTT,
Major and Assistant Adjutant General, U. S. Vols.

[Doc. No. 1.]

FLAG OF TRUCE, BOUTTE'S PLANTATION, NEAR NEW IBERIA, LA.,
December 12, 1863.

SIR: I have the honor to request you to state whether Mr. Gatchell, a correspondent for the New York Herald, and a non-combatant, is detained by you

as a prisoner of war; and if not, whether he will be released by the confederate authorities.

I am, major, respectfully, your obedient servant,

EDWARD L. MOLINEAUX,
Colonel and Commissioner for Exchange in behalf of Major General W. B. Franklin, U. S. A.

Major W. M. Levy,
Commissioner, &c., to Major General R. Taylor, C. S. A.

Official:

ROBERT N. SCOTT,
Assistant Adjutant General, U. S. Vols.

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[Doc. No. 2.]

Flag of Truce, Boutte's Plantation, near New Iberia,
December 12, 1863.

Colonel: In reply to your communication of this date, asking me to inform you whether Mr. W. M. Gatchell, correspondent of the New York Herald, and a non-combatant, who was captured by our forces some time ago, is detained as a prisoner of war, and, if not held as such, whether he will be released by Major General R. Taylor, commanding confederate forces, western Louisiana, I have to state that the citizens in the hands of Major General Taylor, captured with your other prisoners, are not held as prisoners of war, but are held because your government, through its officers in this district, have arrested citizens, non-combatants, and hold them as prisoners of war.

Among other instances is the case of Mr. John G. Pratt, a citizen of St. Landry parish, in this State, wholly disconnected with the military service. I mention this as a case similar to that of Mr. Gatchell. Major General Taylor is, I assure you, anxious that on both sides this practice should be discontinued.

I am, colonel, very respectfully, your obedient servant,

WILL. M. LEVY,
Major and Commissioner in behalf of Major General R. Taylor, C. S. A.

Colonel E. L. Molineaux,
Commissioner for Major General Franklin, U. S. A.

Official:

ROBERT N. SCOTT,
Major and A. A. G., U. S. Vols.

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[Doc. No. 3.]

Boutte's Plantation, near New Iberia,
December 12, 1863.

Colonel: Having been clothed with authority by Major General Taylor, commanding Confederate States forces in western Louisiana, to effect with you arrangements for the exchange of all prisoners now in the hands of the United States and Confederate States authorities, respectively, captured in this military

district, and, where there might be an excess on either side, to agree upon terms whereby the excess might be paroled and delivered to their friends; and having been informed by you that you have no authority to enter into any agreement embracing other prisoners than those captured by the forces of Major General Franklin, and now in his possession, I submit, in behalf of Major General R. Taylor, Confederate States army, (commanding as aforesaid,) the following propositions for the consideration and action of Major General W. B. Franklin, United States army, (commanding as aforesaid,) and such other authority whose approval may be necessary to enable the propositions to be agreed upon in behalf of the United States authorities.

Major General Taylor will parole and deliver, at the outpost of their friends which may be nearest to that of the forces of Major General Taylor, the excess of prisoners now in his hands, who have been captured from the United States forces in western Louisiana, commanded by Major General Franklin; the paroles of the prisoners thus delivered to be recognized by the proper United States authorities, or, in the event of their not being thus recognized, such prisoners to be returned to Major General Taylor, commanding Confederate States forces in western Louisiana; the prisoners belonging to the Confederate States forces, commanded by Major General Taylor, who have been captured from time to time in western Louisiana, at Fort Butler, or elsewhere, and now in the hands of the United States authorities, to be delivered to Major General Taylor, at his outpost which may be nearest to that of the United States forces in western Louisiana.

Major General Taylor will also exchange for prisoners captured from time to time from his command, all other prisoners in his hands who have been from time to time captured from the United States forces in western Louisiana, upon the terms this day agreed upon for the exchange of prisoners between Colonel E. L. Molineaux and myself, commissioners, and the excess shall be paroled and delivered on the terms and with the understanding hereinbefore mentioned. The approval of the commanding officer of the department to be given to the agreement if entered into by Major General Franklin, or such other officer as may be authorized to make the arrangements and agreements; and it shall be distinctly avowed and understood that such prisoners received by either party, under the terms of this cartel to be entered into, shall not be released from their parole until regularly exchanged; and should the government of either party refuse to recognize such paroles, then the prisoners who may have been thus delivered shall be returned to their captors.

This agreement is not to be affected by the action or by any cartel agreed upon by the two governments, whether general or special; but if either government should direct the discontinuance of exchange or delivery of prisoners as herein proposed, due notice shall be given by the parties respectively, as the orders discontinuing the cartel herein proposed may proceed from one or the other government. Any excess of prisoners released on parole by either party, under the provisions of the cartel herein proposed, not to be included in an exchange under a general cartel which may be adopted by the two governments, until formal notice has been given to the other party by the party wishing to include them in such general exchange.

Before any discontinuance of the cartel herein proposed, notification of such intention shall be given to the other party, and officers and men captured prior to such notification, and those captured within ten days thereafter, will be subject to the provisions of the cartel proposed herein; this term of ten days being for the purpose of giving the party to whom the notice of cessation of exchange and delivery, as above mentioned, is sent, ample time to receive it and adopt measures suitable to the new condition of things which would thus arise.

The cartel which may be adopted on the basis which I have proposed, to be

construed on all occasions according to its spirit, and the propositions herein made are dictated by our earnest desire to mitigate, as far as possible, the sufferings of prisoners of war.

Very respectfully, your obedient servant,

WILL. M. LEVY,
Major and Commissioner in behalf of
Major General R. Taylor, C. S. A.

Colonel E. L. MOLINEAUX, U. S. A.,
Commissioner for Exchange.

HEADQUARTERS OF THE ARMY,
Washington, D. C.

Official:

ROBERT N. SCOTT,
Major and A. A. G.

[Doc. No. 5.]

FLAG OF TRUCE, NEAR NEW IBERIA, LA.,
December 13, 1863.

MAJOR: I have to acknowledge the receipt of your communication of this date, offering to deliver into Major General W. B. Franklin's hands, on parole, the excess of prisoners captured from his command, under certain conditions.

I have the honor to state, that while I fully appreciate your humane desire to alleviate the sufferings which must of necessity attend the prisoners in your hands, yet I cannot accept your proposal until further instructions have been received from Major General Banks, commanding department of the Gulf.

As soon as he is heard from on the subject I shall have the pleasure of informing you, in behalf of Major General W. B. Franklin, through a flag of truce.

I am, sir, your obedient servant,

EDWARD L. MOLINEAUX,
Colonel and Commissioner for Exchange of Prisoners,
in behalf of Maj. Gen. W. B. Franklin, U. S. A.

Major W. M. LONG,
Commissioner, &c., in behalf of Maj. Gen. R. Taylor, C. S. A.

Official:

ROBERT N. SCOTT,
Major and A. A. G.

HEADQUARTERS NINETEENTH ARMY CORPS,
New Iberia, La., December 15, 1863.

MAJOR: In my reply to your communication of the 2d instant respecting the paroling of the excess of prisoners in the hands of Major General R. Taylor, C. S. A., I had the honor to inform you that as soon as a definite answer had been received from Major General N. P. Banks I would immediately inform you.

I have the pleasure, herewith enclosed, to send you copies of the telegraphic correspondence between Major General W. B. Franklin and Major General N. P. Banks on the subject, and as the reply from headquarters of the department is favorable, I would suggest that all the excess of paroled men now in your possession be moved towards some favorable point for delivery.

I am instructed to inform you that Major General N. P. Banks has appointed a commissioner on his part to agree upon a cartel and agreement for paroling of the balance of all prisoners in the hands of Major General R. Taylor.

Will you please appoint the time and place at which you will meet the said commissioner, and notify Major General W. B. Franklin two or three days in advance?

I am, major, very respectfully, your obedient servant,

E. L. MOLINEAUX,
Commissioner for Exchange of Prisoners on behalf of Maj. Gen. W. B. Franklin, U. S. A.

Major W. M. LEVY,
Commissioner, &c., in behalf of Maj. Gen. R. Taylor, C. S. A.

I have requested you to state whether it is agreeable to you to exchange Mr. H. Fenner, civil clerk in commissary department, for Mr. Stockton, assistant engineer, and Lieut. Bt. Webb, taken when not in commission. I shall bring Mr. S. up at the exchange, hoping to have a favorable answer.

Official:

ROBERT N. SCOTT, *Major and A. A. G.*

NEW IBERIA, *December* 13, 1863.

The exchange of prisoners, officer for officer and man for man, is progressing. General Taylor offers to place the excess of prisoners in his hands in our possession on these terms, viz:

1. Their parole to be recognized by the United States authorities; and if they are not so recognized the prisoners to be returned to General Taylor.

2. All prisoners from the forces under General Taylor's command to be exchanged for these paroled prisoners, including those taken at Fort Butler or elsewhere.

3. The agreement thus entered into is not to be affected by the action of the government of either party; but if any general exchange be agreed upon by the two governments the excess of prisoners is not to be included in that agreement until formal notice has been given by one party to the other to include them in that exchange. Also, ten days' notice must be given of the cessation of exchange before any change in the cartel shall go into effect.

General Taylor wishes an acceptance of these terms by the department commander.

W. B. FRANKLIN,
Major General Commanding.

Brigadier General C. P. STONE,
Chief of Staff, New Orleans, La.

Official:

ROBERT N. SCOTT, *Major and A. A. G.*

DEPARTMENT OF THE GULF,
UNITED STATES MILITARY TELEGRAPH OFFICE,
Iberia, December 14, 1863.

[By telegraph from New Orleans, December 14, 1863.]

Major General FRANKLIN, *Commanding Troops in Western Louisiana:*

The major general commanding the department will approve the acceptance by you of the terms proposed by General Taylor, as by your despatch of yesterday, just received.

C. P. STONE,
Brigadier General and Chief of Staff.

Official:

ROBERT N. SCOTT, *Major and A. A. G.*

HEADQUARTERS DISTRICT WESTERN LOUISIANA,
Alexandria, December 18, 1863.

COLONEL: I have the honor to acknowledge the receipt of your communication of the 15th instant, and enclosures, viz: copies of the telegraphic correspondence between Major General W. B. Franklin and Major General N. P. Banks.

The approval of Major General Banks being given to terms proposed by me as commissioner, for the delivery of the excess of prisoners in the hands of Major General Taylor belonging to the command of Major General Franklin, that excess will accompany the officers and enlisted men whom we agreed to exchange in the cartel entered into between us on the 12th instant, and will be delivered at the place therein indicated. These prisoners are now *en route* for the point below Vermillionville, and will arrive there in four or five days from the day on which you will probably receive this; but due notice will be given you, so that the prisoners on both sides may reach the spot contemporaneously.

Herewith I enclose the list of eight privates who will be exchanged for Major R. A. Howard, A. C. S., C. S. A., whom you have upon your list of officers in your possession as prisoners.

Be pleased to have Major Howard delivered when the others are exchanged at the stage-stand.

H. Fenner, of whom you write, will be sent down for exchange with Mr. Stockton, as requested by you.

Major General Taylor instructs me to state to you that he will appoint a commissioner to meet the commissioner appointed by Major General Banks, and suggests the Red River landing, near the mouth of Red river, as the place of meeting. He requests that General Banks may be informed thereof, and that he will name the time at which his commissioner will be at the place and communicate the same to him, so that no delay or detention may be experienced by either party.

Enclosed please find receipts of Lieutenant Herbert and H. F. Fenner for money forwarded to them through district headquarters by flag of truce.

I am, colonel, your obedient servant,

WILLIAM M. LEVY,
Major and Commissioner for Exchange of Prisoners on behalf of Maj. Gen. R. Taylor, C. S. A.

Colonel E. L. MOLINEAUX,
Commissioner, &c., on behalf of Maj. W. B. Franklin, U. S. A.

Official:

ROBERT N. SCOTT,
Major and A. A. G.

HEADQUARTERS DEPARTMENT OF THE GULF,
New Orleans, December 21, 1863.

GENERAL: I have the honor to acknowledge the receipt of your despatches of December 15, 1863, transmitting the cartel for the exchange of prisoners and the accompanying correspondence and documents.

In answer to the inquiry presented by Major William M. Levy, major and commissioner of exchange for Major General Taylor, Confederate States army, dated at New Iberia, December 13, you are hereby authorized to say that I will agree, if the prisoners in excess of our prisoners are paroled and delivered to you, they will be held as paroled prisoners of war, and only released therefrom if when duly exchanged by agreement entered into between Major General Taylor and Major General Franklin, (or the commanding officer of the

forces of the United States;) and if it shall be proposed to include these paroled prisoners in any exchange to be effected under the cartel between the two governments for the general exchange of prisoners of war, formal notice shall be given of such desire to Major General Taylor by Major General Franklin, (or the officer in command of the forces of the United States;) and in the event of the paroles not being recognized by the government of the United States, or its authorities, I will agree to return their prisoners to Major General Taylor.

In reference to the capture of William M. Gatchell, a correspondent of the New York Herald, you will say that we regard him and other gentlemen of his profession as standing upon the same basis as other non-combatants. His professed intention is to make a true report of the events of the war as a basis for history, and he would, no doubt, gladly do within the camp of the confederate army, with the consent of its officers, that which he does in our camp. Adhering to such purpose, he cannot be considered a public enemy to either government; if he falsifies his profession by his acts, his detention should be placed upon that ground; while we could not ask that he should be allowed the privilege accorded him within our lines, we certainly have the right to ask his surrender, upon the ground that, adhering in good faith to his profession as a reporter, and willing to do for one side what he does for the other, he cannot be considered a public enemy. The case of Mr. John S. Pratt, a citizen of St. Landry parish, stands upon entirely different grounds. Mr. Pratt is recognized by the government of the United States as "General Pratt," engaged in the organization of military service for the confederate army, whose position and character was so prominent as to give his name to the general camp of military instruction for the State of Louisiana. It is immaterial whether he was commissioned for this service by the State or by the Confederate States; if he is still in possession of this authority, and in the performance of this duty, he is rightly held a prisoner of war. If he has surrendered his commission, and discontinued permanently the exercise of the power conferred upon him, the change in his position should be made public, in order that it shall be understood by the people that he retains his liberty within the country occupied by our troops because of the permanent change in his position and purpose.

There can be no doubt that he has exercised such powers, and I have received no evidence of any change in his position in that respect.

Until such evidence is offered there can be no just claim for his release. I concur with Major General Taylor in the expression of opinion, which does him so much honor, "that those who are not parties, directly or indirectly ,to the contest in which we are engaged, should be relieved as far as possible from the suffering incident thereto." I do not approve the arrest of persons without other cause than that they are found within the lines of one army or the other. I have released all the prisoners in this department taken from the walks of civil life, except when held for the commission of crimes, independent of all political considerations, or where their release would imperil public peace, and I shall gladly co-operate with General Taylor, as far as possible, in relieving from the horrors of war those who are not in any sense to be considered as participants therein.

I have the honor to be, with high respect, your obedient servant,

N. P. BANKS,
Major General Commanding, &c.

Major General W. B. FRANKLIN,
Commanding United States Forces, &c.

Official copy:

C. S. SARGENT,
A. A. A. General.

Official:

ROBERT N. SCOTT, *Major and A. A. G.*

HEADQUARTERS 19TH ARMY CORPS,
New Iberia, La., December 22, 1863.

MAJOR: I have the honor to inform you that we have received word from Major General N. P. Banks, United States army, that his commissioner will meet the one appointed by Major General R. Taylor, Confederate States, army at Red River landing on the 1st day of January, 1864, or as soon after as practicable for them to meet at the appointed place.

I have to inform you our prisoners are here ready for exchange.

I am, major, your obedient servant,

EDWARD L. MOLINEAUX,
Colonel and Commissioner for Exchange of Prisoners on behalf of Major General W. B. Franklin.

Major W. M. LEVY,
Commissioner for Exchange in behalf of Major General Taylor.

Official:

ROBERT N. SCOTT,
Major and A. A. G.

HEADQUARTERS, DISTRICT WESTERN LOUISIANA,
December 23, 1863.

COLONEL: In the absence of Major W. M. Levy, I have the honor to acknowledge, by direction of Major General Taylor, the receipt of your communication of the 20th instant, proposing, on behalf of Major General Franklin, the exchange of Captain Maltby, editor of the Ranchero, for Mr. Gatchell, the correspondent of the New York Herald, both of whom are supposed to be non-combatants and not, at the time of their capture, in the military service of either belligerent.

I am instructed to say that Major General Taylor regrets he cannot accede to the proposal. The capture and detention by the Confederate States forces of Mr. Gatchell and of others similarly situated is resorted to for the purpose of putting an end, if possible, to the practice of the United States authorities of arresting and imprisoning private citizens of the Confederate States, in no wise connected with the service at the time of their arrest. The object of the measure would be entirely defeated by recognizing, as the offer of Major General Franklin substantially proposes to do, these persons as prisoners of war, and a proper subject of exchange in that character.

I am further instructed to state that Major General Taylor earnestly desires to effect some general arrangement by which the non-combatants held by both belligerents may be released, and that, before the correspondence between Major General Banks and himself shall have closed, a convention may be agreed upon, protecting for the future persons not engaged in the military or naval service of the respective governments from capture by either party.

I have the honor to be, colonel, with best respects, your obedient servant,

P. E. BOINFORD,
1st Lieutenant and Aide-de-Camp.

Colonel E. S. MOLINEAUX,
Commissioner on behalf of Major General Franklin, U. S. A.

Official:

ROBERT N. SCOTT,
Major and Assistant Adjutant General.

HEADQUARTERS 19TH ARMY CORPS,
New Iberia, Louisiana, December 23, 1863.

MAJOR: I have the honor to acknowledge the receipt of your favor of the 18th instant.

Major General N. P. Banks has signified his assent to Red River landing as a place of meeting between his commissioner and one appointed by Major General R. Taylor. As soon as he appoints a commissioner and names the time, I will immediately notify you.

I have to express to you my sincere regret that your escort at our last meeting suffered the loss of certain halters belonging to them, and Captain Wells of a pair of saddle-bags. Every means has been taken to ferret out the deliuquents and to bring them to punishment.

I have the honor to state that I have forwarded to care of Captain E. R. Wells, H. H. G. General Green, four army halters complete and one pair saddle-bags, to make right the deficiency, and I think you will accept the apology in the same frank spirit in which it is given. Major R. A. Howard will be exchanged as you propose.

I have the honor to request you to furnish us information respecting Finley Anderson, a correspondent of the New York Herald, who was captured on board of steamer Queen of the West, in May last, and was last heard from at Shreveport in August.

I am, major, respectfully, your obedient servant,

E. L. MOLINEAUX,
Colonel and Commissioner for Exchange of Prisoners, in behalf of Major General W. B. Franklin, U. S. A.

Major WILLIAM M. LEVY,
Commissioner for Exchange of Prisoners in behalf of Major General R. Taylor, C. S. A.

Official:

ROBERT N. SCOTT,
Major and Assistant Adjutant General.

HEADQUARTERS, DISTRICT WESTERN LOUISIANA,
December 23, 1863.

GENERAL: Your communication of the 19th instant, enclosing the affidavit of one E. J. Conner, touching the alleged cruel treatment of certain United States officers at Monroe and Shrevesport, has been received. In reply I have the honor to state that the rumors upon which Conner's affidavit is based are utterly without foundation, and I have to regret that Major General Banks has thought them of sufficient importance to call my attention to them, particularly considering the improper language in which the affidavit is couched.

I am, general, very respectfully, your obedient servant,

R. TAYLOR,
Major General Commanding, C. S. A

Major General W. B. FRANKLIN,
Commanding U. S. Troops, Western Louisiana.

Official:

ROBERT N. SCOTT,
Major and Assistant Adjutant General.

AFFIDAVIT.

I solemnly swear that when I was at Monroe, Louisiana, a prisoner in the hands of the confederates, June 27, 1863, I was allowed to go about on parole, and learned from various parties, and among them soldiers belonging to the confederate army, also some Union ladies entitled to belief, sufficient to satisfy me that two United States officers, one a captain and the other a lieutenant of African troops, taken prisoners while on a scout at Milliken's Bend, on or about the 6th June last, after imprisonment two days in the court-house at Monroe, were taken out and murdered by the enemy, and when I got to Shrevesport I found that it seemed to be the common talk there.

I further depose and say, that on Tuesday, July 14, 1863, I was in Shrevesport, and on that day Dick Taylor's prisoners, captured from the United States forces at Brashear city, arrived there, and among them were two commissioned officers, from what I learned, of the Corps d'Afrique, who were separated from the rest and put in solitary confinement, with a ball and chain, and General Banks has the names of these two officers.

E. J. CONNER.

NEW ORLEANS, *November* 19, 1864.

Sworn before me.

[L. S.] HENRY L. PIERSON,
Captain and A. A. G.

Address:
Care NORTHRUP & Co.,
33 *Front street, Memphis.*

Official:

ROBERT N. SCOTT, *Major and A. A. G.*

ASSISTANT INSPECTOR GENERAL'S OFFICE,
HEADQUARTERS 19TH ARMY CORPS,
New Iberia, La., December 28, 1863.

GENERAL: I have the honor to report that the exchange agreed upon by the cartel of December 13 has been fully and satisfactorily effected. The exchange took place at noon on the 25th instant, at the old stage station, midway between Vermillionville and New Iberia, and a verbal agreement was entered into that no hostile movement or demonstration should be made by the confederates towards New Iberia or its rear, or on our part towards Vermillionville and its rear, during the 25th, 26th, and 27th instant, for the purpose of giving each party sufficient time to refresh and send to the rear the exchanged and paroled men.

I would respectfully refer you to the herewith rolls of exchange and paroled prisoners, by which we receive back, and *report for duty to their respective regiments*, 29 commissioned officers, 222 non-commissioned officers and privates, and receive in charge 449 *paroled prisoners*, subject to a cartel to be entered into between the commissioners on behalf of Major General N. P. Banks, U. S. A., and Major General R. Taylor, C. S. A.

At the request of the commissioner for Major General R. Taylor, C. S. A., the paroled prisoners, before being delivered, were drawn up in line, and it was announced to them that their paroles were binding upon them until regularly exchanged; that they had been delivered into the charge of the United States to prevent suffering among them during the winter; that, in the event of no amicable arrangement being made, they were subject to be returned to the custody of their captors, although such a contingency was not likely to occur.

The roll was then called over and corrected, and the said paroled men delivered over to me in good faith, upon my simply signing receipts for the correct number at the foot of each roll.

In compliance with your instructions, those of our men suffering for the want of shoes, blankets, &c., were supplied, provisioned, and the exchanged officers and men of the regiments at this place sent to their commands. Those belonging to the 13th army corps were sent under a guard to report to Brigadier General McGinnis, at Algiers, and the paroled prisoners (under guard) to Brigadier General Bowen, provost marshal general, at New Orleans.

It is with considerable pleasure that I can report that the confederate prisoners, officers and men, were anxious to express their feelings at the humane manner in which they had been treated while in the hands of the United States authorities; but I consider it my duty to call attention to the following fact:

Many of the prisoners who were despondent at the prospects of the confederacy before they were sent to New Orleans, on their return from that city seemed to be animated with a different feeling, and to have been encouraged in their treason and hopes, from the numerous interviews which they are reported to have had with rebel sympathizers and friends visiting them in that city. They arrived here, the officers and in many instances the men, with presents of two and sometimes three suits of clothing and under-clothes.

I suffered the officers to pass their clothing, but I deemed it proper, as provost marshal general in the field, to seize such articles as the following, which the men had concealed, viz: files, cotton thread, needles, spurs, paper, playing cards, shoes, medical scales, in undue quantities.

I respectfully mention this, although I do not know that it can be avoided if necessity compels the keeping of prisoners in the city of New Orleans. It is to be regretted that this exchange, which is now ended between your commissioner and that of Major General R. Taylor, C. S. A., should not have been successful in effecting the release of Mr. Gatchell, news correspondent. In every other respect it has been entirely satisfactory to Major Levy, commissioner of C. S. A., and myself, and I trust will meet with your approval.

Respectfully, your obedient servant,

E. L. MOLINEAUX,
Colonel and Commissioner.

Major General W. B. FRANKLIN, *U. S. A.*

Official:

ROBERT N. SCOTT,
Major and A. A. G.

HEADQUARTERS DEPARTMENT OF THE GULF:
New Orleans, December 31, 1863.

COLONEL: The major general commanding appoints you commissioner to confer, in his name, with a commissioner appointed by Major General R. Taylor, C. S. A., on the subject of exchange of prisoners.

The place of meeting agreed upon for the conference is Red River landing, near the mouth of Red river, to which place you will please proceed without delay. The time of meeting is the 1st proximo, or as soon thereafter as practicable.

Enclosed you have a copy of a letter from the major general commanding to Major General Franklin, confirming the exchange agreed upon by the latter, and you are desired to give formal sanction to that exchange, in the name of the major general commanding, should it be requested.

You are authorized to offer to Major General Taylor, on the same terms as those agreed upon by Major General Franklin, all the prisoners recently captured by the United States forces in Texas, provided he will procure the delivery of

all captured from the United States at Galveston, Sabine Pass, and other points in Texas. You will also endeavor to procure the release on parole of our prisoners captured at Brashear and other points in the department, and now held by the confederate authorities.

You will be careful in all conferences to keep in view the fact that the commanding general will not sanction any difference being made between the officers and men of different corps of the army.

The officers and men of colored regiments have been received into the service of the country; and no agreement can be made or discussed in which the rights of the colored troops or their officers to be treated and exchanged as other prisoners of war may be ignored.

You will please correspond freely with these headquarters during your conferences, using the telegraph from Port Hudson to facilitate communication.

I am, very respectfully, colonel, your obedient servant,

CHARLES P. STONE.
Brigadier General Chief of Staff.

Colonel C. C. DWIGHT,
160*th Regiment N. Y. Volunteers, New Orleans.*

Official copy:

G. HERMAN LIEBER,
A. A. A. General.

Official:

ROBERT N. SCOTT,
Major and A. A. G.

"*Memoranda of prisoners of war held by Major General Banks, commanding department of the Gulf, December* 31, 1863.

Officers:	Colonels (one)	1
	Majors (one)	1
	Captains (five)	5
	Lieutenants (thirteen)	13
		20
Enlisted men:	Non-commissioned staff (two)	2
	Sergeants (twelve)	12
	Corporals (ten)	10
	Artificers (one)	1
	Privates (one hundred and ninety-three)	193
	C. S. navy (eight)	8
		220

RED RIVER LANDING, LOUISIANA,
January 4, 1864.

SIR: As commissioner on the part of Major General Banks, U. S. A., for the exchange of prisoners, I am authorized to offer, and do hereby offer, to Major General Taylor, C. S. A., to deliver to him, upon the same terms as those agreed upon in the cartel this day executed by us, all the prisoners recently captured by the United States forces in Texas, provided Major General Taylor will

procure the delivery to Major General Banks of the prisoners captured from the forces of the United States at Galveston, Sabine Pass, and other points in Texas.

I am, major, very respectfully, &c.,

CHARLES C. DWIGHT,
Colonel 160th New York Vols., Commissioner, &c.

Major WM. H. LEVY, C. S. A., *Commissioner, &c.*

Official copy:

CHAS. P. STONE.
Brigadier General, Chief of Staff.

Official:

ROBERT N. SCOTT,
Major and Assistant Adjutant General.

RED RIVER LANDING, LOUISIANA,
January 4, 1864.

COLONEL: I am instructed by Major General Taylor, C. S. A., commanding district of western Louisiana, to call your attention, and through you that of Major General Banks, to the arrest and detention of citizens of the Confederate States holding no military position, and in no manner connected with the army. The assurances of Major General Banks, in correspondence heretofore had with him, of his indisposition to hold as prisoners private citizens, induces me with the greater confidence to refer to cases of this character with the hope that individuals thus held may be released. Among those who are detained I would cite Judge M. Voorhies, of St. Martin parish; Mr. J. W. Pratt, of St. Landry; and Mr. D. O'Brien, of Vermillion. All of these gentlemen are private citizens wholly disconnected with the army. Judge Voorhies is an associate justice of the supreme court of Louisiana, elected in 1859, and has never been in the army, but has confined himself to his judicial duties. Mr. Pratt was formerly brigadier general of the State militia, but for nearly a year has been disconnected with that position, and long since vacated his commission; for many months previous to his arrest he had resided quietly at his plantation in St. Landry; and at the time of capture was at home, not expecting to be interfered with, as he was clearly a non-combatant. Mr. O'Brien was never in the military service of the Confederate States. Major General Taylor instructs me to state that he sincerely desires there may be a discontinuance of the practice of making arrests of this character, and detaining in custody private citizens, non-combatants, whom he does not regard as proper subjects for capture as prisoners of war, and would be glad to accede to some arrangements which would definitely settle a policy in this district putting a stop thereto.

I am, colonel, very respectfully, your obedient servant,

WILLIAM M. LEVY,
Major and Commissioner in behalf of Major Gen. Taylor, C. S. A.

Colonel CHAS. C. DWIGHT,
160th New York Vols., U. S. A., Commissioner, &c.

Official:

ROBERT N. SCOTT,
Major and A. A. G.

HEADQUARTERS DISTRICT OF WESTERN LOUISIANA,
Alexandria, January 5, 1864.

GENERAL: I have the honor to acknowledge the receipt of your communication of the 2d instant, with the copy of the despatch of Major General Banks to you of the 19th ultimo.

The sentiments expressed by Major General Banks with regard to the exemption of citizens within the circle of military operations from disturbance or arrest, I need hardly say, meet my cordial approval. They have satisfied me of the sincere desire entertained by Major General Banks to put an end to arrests of non-combatants in the district of country over which he exercises military control, and, acting under that conviction, I have released Mr. W. M. Gatchell, the Herald correspondent, and sent him down to you, with this communication. I shall take the necessary measures to prevent, for the future, the arrest or detention by the troops under my command of persons not connected with the army or navy of the United States, nor engaged in giving them assistance in military movements, and shall confidently anticipate the adoption of similar measures by Major General Banks. I shall also cause it to be known to the inhabitants of those portions of the State which may be subject to invasion, that, in case of invasion, they can safely remain at their homes, without the fear of disturbance in the peaceful pursuit of their avocations.

Among the prisoners taken in the movement on Brashear city were several who claimed to be citizens. They have been sent to Texas. I shall direct an inquiry to be made into their condition, and have them released if their representations prove correct.

I have no doubt my commissioner, Major W. M. Levy, now in conference, at Red River landing, with the commissioner appointed by Major General Banks, will be able to form with that officer a convention for the general exchange and delivery of prisoners of war which will be satisfactory to both parties.

The case of Mr. John G. Pratt, of the parish of St. Landry, has been misapprehended by Major General Banks. Mr. Pratt, at the time of the fall of the city of New Orleans, was a brigadier general of militia in the service of the State, and so continued until the repeal by the legislature, at its last session, of the militia law under which he held his commission. Mr. Pratt has never held any other commission than that of brigadier of militia, which was vacated at the time I have mentioned, and has never been engaged in the organization of military forces for the Confederate States army. About eighteen months since a camp in the vicinity of New Iberia, which had been used as a camp for a small body of militia, and which bore his name, was taken by me as a camp of instruction for conscripts, but Mr. Pratt has never exercised any authority, military or otherwise, over or in connexion with that camp since the day it was so appropriated. I trust that this explanation will be sufficient to convince Major General Banks that Mr. Pratt, in accordance with the liberal views he has expressed relative to non-combatants, is entitled to be released, and that he will be permitted to return to his home.

Very respectfully, your obedient servant,

R. TAYLOR,
Maj. Gen., Commd'g District Western Louisiana.

Official:

ROBERT N. SCOTT,
Major and Assistant Adjutant General.

NEW ORLEANS, LA., *January* 7, 1864.

GENERAL: I have the honor to report that, in obedience to the instructions contained in your letter of December 31 ultimo, I left this city on the 1st instant, reached the mouth of Red river on the evening of the 2d instant, and met the commissioner, on the part of Major General R. Taylor, at Red River landing on the morning of the 4th instant. After an exhibition to each other of our respective credentials, we proceeded to confer upon the subject of an exchange of prisoners, and a short conference resulted in the execution by myself and Major Wm. M. Levy, the commissioner on the part of Major General Taylor, of the cartel, in duplicate, one copy of which I have the honor to present herewith, and which will be seen to embrace all the prisoners heretofore captured, respectively, by and from the commands of Major General Banks and Major General Taylor. Some discussion was had in reference to a general cartel for the exchange of all prisoners hereafter to be captured by and from the same commands, but thereupon immediately arose the question of the exchange of the officers and men of the negro organizations, when Major Levy informed me that his instructions positively forbade him to make any agreement which should in any manner include the members of such organizations, and I informed him that my instructions equally forbade me to make any agreement which should in any manner exclude or discriminate against them. It was therefore apparent that no agreement for the exchange of future captures could be made by us.

Major Levy declared that the cartel which was executed by us did not violate his instructions above mentioned, for the reason that General Taylor has not, up to that time, taken any prisoners of the organizations referred to.

Accompanying the cartel, enclosed with this, will be found a correspondence between Major Levy and myself upon the subject of a proposed exchange of prisoners captured by and from the commands of Major General Banks in Texas; also a letter from Major Levy, designed to call the attention of Major General Banks to the matter of the capture of non-combatants, and especially to the cases of Messrs. Pratt, Voorhies, and O'Brien, claimed to be non-combatant residents within the lines of the confederate army, lately taken prisoners by the forces of Major General Banks.

Having completed the business of my mission, I left the mouth of Red river on the 5th instant, and arrived in this city on the evening of the 6th.

I am, general, very respectfully, your obedient servant,

CHARLES C. DWIGHT,
Col. 160th New York Vols., Commissioner, &c.

Brigadier General CHARLES P. STONE,
Chief of Staff, &c., &c.

Official copy:

ROBERT N. SCOTT,
Major and Assistant Adjutant General.

HEADQUARTERS DEPARTMENT OF THE GULF,
New Orleans, January 13, 1864.

GENERAL: By direction of Brigadier General Stone, chief of staff, &c., I have the honor to forward to you lists of prisoners captured by the command of Major General Banks from the command of Major General R. Taylor, and to be embraced in the terms of a cartel lately executed between Major W. M. Levy, commissioner on the part of Major General Taylor, and myself, on the part of Major General Banks.

That cartel provides that lists of prisoners shall be furnished by said commissioners, respectively, to each other, and I have the honor to request that you will cause the accompanying lists to be furnished to Major Levy by the first opportunity, under flag of truce, and will receive from Major Levy, in return, the lists of the prisoners to be exchanged for them by Major General Taylor.

It will be seen that the greater number of prisoners embraced in the accompanying lists have been sent to Fortress Monroe and New York.

Measures have already been taken to procure the return to this department, for exchange, of such of those prisoners as have not already been exchanged or delivered on parole by the authorities to whom they were sent.

You will please communicate this fact to Major Levy, with the lists of prisoners.

I am, general, very respectfully, your most obedient servant,

CHARLES C. DWIGHT, *Colonel, &c.*

Major General W. B. FRANKLIN,
Commanding Nineteenth Army Corps.

Official:

ROBERT N. SCOTT,
Major and Assistant Adjutant General.

HEADQUARTERS DEPARTMENT OF THE GULF,
New Orleans, February 2, 1864.

GENERAL: I have the honor to transmit herewith copy of a cartel for the exchange of prisoners agreed upon by commissioners appointed by Major General R. Taylor, Confederate States army, and myself, respectively, covering captures from our respective commands, with copies also of the correspondence in that matter.

I also enclose a list of prisoners of war included in this cartel who have been sent north at various times, and would request that said prisoners may be forwarded to this department to be turned over to Major General Taylor in exchange for those whom he has already delivered to me.

It will be observed that this exchange was effected with the distinct announcement that the commissioner on my part could not entertain or discuss any proposition in which the rights, as soldiers, of the colored troops should be disregarded.

Very respectfully, your obedient servant,

N. P. BANKS,
Major General, Commanding.

ADJUTANT GENERAL OF THE ARMY,
Washington, D. C.

Official:

ROBERT N. SCOTT,
Major and A. A. G.

Cartel for the exchange of prisoners captured, respectively, from the commands of Major General N. P. Banks, United States army, and Major General R. Taylor, Confederate States army, and for the parole and delivery of the excess of prisoners held by either of these officers.

RED RIVER LANDING, LOUISIANA,
January 4, 1864.

The undersigned commissioners, appointed, respectively, by Major General N. P. Banks, United States army, and Major General R. Taylor, Confederate States

army, for the purpose of arranging and agreeing upon a cartel for exchange of prisoners of war belonging to the above-mentioned commands, do hereby agree upon the following articles, viz:

I. The officers and enlisted men who have heretofore been captured, respectively, by and from the commands of Major General N. P. Banks, United States army, and Major General R. Taylor, Confederate States army, in western Louisiana, west of the Mississippi river, shall be exchanged, officer for officer, according to their several corresponding grades in service, and enlisted man for enlisted man, as far as the officers and enlisted men held by Major General Banks and Major General Taylor will enable such exchange *per capita* to be made.

II. The excess of officers and enlisted men, prisoners of war, belonging to either of the commands above mentioned, shall be delivered on parole not to bear arms or render any military service until regularly exchanged, under the terms and conditions hereinafter mentioned, to their friends at the place herein selected, though said prisoners shall not be released from their paroles until regularly exchanged; and, in the event of the paroles of such prisoners not being recognized by their respective governments, they shall be returned by Major General N. P. Banks, United States army, or Major General R. Taylor, Confederate States army, as the said excess may have been delivered to one or the other of them.

III. This cartel is intended to embrace all the prisoners heretofore captured in western Louisiana by the forces of Major General R. Taylor, Confederate States army, from the command of Major General N. P. Banks, and those captured by the forces of Major General Banks from the command of Major General Taylor, at any points in western Louisiana, not heretofore exchanged or delivered on parole, including those captured at and near Fort Butler, Louisiana, in June, 1863.

IV. Lists of the prisoners herein embraced, who have been heretofore captured by either of the commands above mentioned, and whose exchange and delivery is herein provided for, shall be furnished respectively to each other by Major General Banks and Major General Taylor; and, in the exchange and delivery of said prisoners, any misnomers or failure to deliver according to said lists on account of death or escape of the prisoners shall be corrected at the time of delivery by the officers charged with the delivery, the spirit of the cartel not to be vitiated by any discrepancies or errors in such lists which may be fairly explained.

V. The point of delivery of the prisoners to be exchanged and paroled shall be the Red River landing, near the mouth of the Red river, in the parish of Pointe Coupee; but, upon due notification of a desire to change the same by either of these commissioners, some other point may be selected by them.

VI. If prisoners belonging to the command of Major General N. P. Banks, heretofore captured by other forces in the trans-Mississippi department, Confederate States of America, than those of Major General Taylor, or prisoners on parole within the district of Major General Taylor, can, with the consent of the authorities having control of the same, be included in the terms of this cartel, due notice thereof shall be given by Major General Banks and Major General Taylor to each other, with a view to embracing them in the terms hereof.

VII. Colonel Charles C. Dwight, 160th New York volunteers, United States army, commissioner on behalf of Major General N. P. Banks, United States army, commanding department of the Gulf, under authority vested in him by Major General N. P. Banks, United States army, does hereby, in behalf of Major General N. P. Banks, commanding department of the Gulf, ratify and approve the delivery of the excess of paroled prisoners by Major General R. Taylor, Confederate States army, to Major General William B. Franklin, United States army, under the agreement entered into between Colonel E. L. Molineaux and Major W. M. Levy, commissioners for exchange on behalf of Major General Franklin and Major General Taylor, respectively, and approves and ratifies the terms and conditions of said agreement.

VIII. The prisoners in excess, who may be delivered on parole as hereinbefore mentioned, shall not be included in any cartel which may be entered into on behalf of the United States and Confederate States without due notification and the consent of Major General Banks and Major General Taylor, as the excess may be in favor of the one or the other.

Executed in duplicate.

CHARLES C. DWIGHT,
Col. 160th N. Y. V., Commissioner, &c., on the part of Maj. Gen. Banks, U. S. A.
WILL. M. LEVY,
Maj. C. S. A., Commissioner, &c., in behalf of Maj. Gen. R. Taylor, C. S. A.

Official:

ROBERT N. SCOTT, *Major and A. A. G.*

Cartel for the exchange of prisoners captured from the commands of Major General William B. Franklin, United States army, and Major General R. Taylor, Confederate States army, respectively.

BOUTTE'S, SEVEN MILES ABOVE NEW IBERIA,
December 12, 1863.

The undersigned, commissioners appointed, respectively, by Major General W. B. Franklin, United States army, and Major General R. Taylor, Confederate States army, to make arrangements for the exchange of prisoners of war captured from the commands of the above-mentioned officers, do hereby agree upon the following articles:

I. The officers and enlisted men shall be exchanged as soon as they can be brought under flag of truce to the former stage stand on the stage road, between Vermillionville and New Iberia, about equidistant between these two places, in the following manner, viz: Officer for officer, according to their several grades. Where either party has an excess of officers prisoners, the officers constituting such excess may, at the option of either party, be exchanged on the following terms, viz:

For a colonel, fifteeen privates.
For a lieutenant colonel, ten privates.
For a major, eight privates.
For a captain, six privates.
For a lieutenant, four privates.
For a non-commissioned officer, two privates.
Private soldier for private soldier.

II. There being in the hands of Major General Taylor, Confederate States army, an excess of prisoners belonging to the command of Major General Franklin, United States army, in order to expedite the exchange and delivery of said prisoners, it is agreed that a list of those belonging to the command of Major General Taylor shall be furnished at the earliest practicable moment to Major General Taylor by Major General Franklin.

III. In the event of no arrangement being made for the paroling and delivery of the excess of prisoners belonging to the command of Major General Franklin, it is agreed that such clothing and provisions as are necessary for the comfort

of said prisoners which may be furnished by Major General Franklin shall be received and be delivered to the said prisoners.

EDWARD L. MOLINEAUX,
Colonel and Commissioner for Exchange of Prisoners,
in behalf of Major General W. B. Franklin, U. S. A.
WILL. M. LEVY,
Major and Commissioner for Exchange of Prisoners,
in behalf of Major General R. Taylor, C. S. A.

Official:

ROBERT N. SCOTT,
Major and A. A. G.

It is agreed and understood, that should any casualty, such as death, sickness, or other unavoidable cause, prevent the delivery or exchange of any of the officers or soldiers enumerated above, if such casualty should occur on the part of the prisoners held by Major General Taylor, other prisoners shall be substituted and delivered in lieu of the same; should it occur on the part of those held by Major General Franklin, the prisoners enumerated for the exchange with those who may not be delivered shall be still held by Major General Taylor. It is further agreed and understood, that the above list, which is signed in duplicate, shall be verified by the officers charged with the delivery, and errors of misnomer and otherwise shall be corrected by such officers, according to the spirit and intent of the cartel, dated December 12, entered into by us as commissioners.

EDWARD L. MOLINEAUX,
Colonel and Commissioner for Exchange of Prisoners,
in behalf of Major General W. B. Franklin, U. S. A.
W. M. LEVY,
Major and Commissioner for Exchange of Prisoners,
in behalf of Major General R. Taylor, C. S. A.

Official:

ROBERT N. SCOTT,
Major and A. A. G.

WASHINGTON CITY, D. C., *March* 28, 1864.

SIR: In reference to the cartels forwarded by Major General Banks, with his communication of the 2d of February last, and the correspondence in connexion with them, I have to observe that the cartel agreed upon at Haxall's Landing, on James river, Virginia, on the 22d of July, 1862, between Major General Dix, on the part of the federal government, and Major General Hill, "C. S. A.," published in General Orders No. 142, of September 25, 1862, having never been by authority abrogated, though temporarily suspended in its action, because of violations of it by the rebel authorities, should be considered as so far operative as to prevent the adoption of any other than local agreements for exchange between generals mutually opposed to each other in the field.

I respectfully suggest that the cartels submitted by General Banks be regarded as of the nature of agreements made in the field, and that they be executed according to their terms, with the understanding that no further action be had under them, and that hereafter no exchanges be made except under the cartel of the 25th of September, 1862, and by generals commanding in the field, the latter in all cases to be of the nature of *agreements* between mutually opposed commanders in the field, according to the general laws of war.

I beg to remark upon two points in this correspondence of a special character.

The rebel authorities have virtually been countenanced in holding colored troops as excepted from the terms of exchange; for, while they decline to entertain any question by which such troops are to be recognized as entitled to the privileges of soldiers, in conformity with express orders from the rebel government, they enter upon a cartel under a mere declaration that they hold no colored men belonging to "organizations;" by which they have been permitted to let out the *principle* that they will not entertain any proposition which would required them to treat colored troops as soldiers.

There is great reason to fear that the rebel officers will carefully retain such a position, by horrible means, as will enable them constantly in the future to set forward the same declaration, that they hold no colored men belonging to organizations.

The other point is this: The rebel authorities in the southwest decline to release non-combatants, except upon an agreement on our part not to make arrests of that class—the point which Mr. Ould has been urging for the purpose of obtianing thus indirectly what would amount to a quasi recognition of the equal privileges of rebels with Union citizens; thus protecting all civil offenders in rebellion from arrest for treason. I would suggest that particular care should be taken not to enter into any agreement of this nature under any pretence whatever.

I have the honor to be, very respectfully, your obedient servant,

E. A. HITCHCOCK,
Major General Volunteers, Commissioner of Exchange.

Hon. EDWIN M. STANTON,
Secretary of War.

Official:

ROBERT N. SCOTT,
Major and A. A. G.

WASHINGTON CITY, D. C.,
March 30, 1864.

SIR: On the 28th instant I addressed a letter to the honorable Secretary of War in reference to a cartel for the exchange of prisoners, reported by Major General Banks; and having understood that the papers have been referred to yourself, I desire to say that in the letter (with those papers) General Banks requests that the prisoners he sent *north* may be returned to his department, for the purpose of being returned to the enemy for prisoners received by him from the enemy.

Colonel Hoffman, commissary general of prisoners, informs me that General Banks sent north no prisoners except *officers;* and I desire now to add to the statement made by Colonel Hoffman, and which is indorsed on the papers from General Banks, that the non-commissioned officers and privates taken by General Banks at and prior to the capture of Port Hudson, amounting to several thousand men, were sent by General Banks to Mobile, and were there paroled under an express agreement with the rebel General Gardner. Those men have never been exchanged.

In the midst of the controversy between General Meredith and Mr. Ould, with respect to the irregular and unauthorized proceedings of the latter in regard to the Vicksburg prisoners, Mr. Ould published a *letter* in a Richmond paper, officially assuming to decide and declare that the deliveries made by General Banks at Mobile were not made in conformity with the cartel, and he assumed to discharge all of those men from all obligations under their parole.

Immediately on receiving intelligence of this fact, I protested against the con-

duct of Mr. Ould, in a letter addressed to General Meredith, a copy of which was sent to Mr. Ould; but the rebel agent has never made any explanation of that proceeding.

As the commissioner of exchange I claimed, and still claim, that all of those men so delivered by General Banks were and still are bound by their parole, having never been exchanged.

General Banks might be permitted to use as many of those men as would cancel the number received by him under his recent cartel.

We claim that, independently of the men paroled at Mobile, the rebels were indebted to us, on just principles, several thousand men released from their parole by Mr. Ould, from among those captured by General Grant at Vicksburg; and in my judgment we ought not to yield our claim to the prisoners paroled at Mobile, without receiving proper equivalents.

Very respectfully, your obedient servant,

E. A. HITCHCOCK,
Commissioner of Exchange.

Major General H. W. HALLECK,
Chief of Staff, &c.

H. Q. A., *January* 4, 1865. Official copy:

ROBERT N. SCOTT, *Maj. & A. A. G.*

MILITARY DIVISION OF WEST MISSISSIPPI.

[Extract.]

HEADQUARTERS OF THE ARMY,
Washington, August 27, 1864.

GENERAL: * * * * * * * * *

I have directed General Canby to permit no more exchange of prisoners of war. That part of the cartel which authorized commanders to exchange on the field troops just captured, man for man, has been considered heretofore as still in effect. I do not see any objection to it, as it can give no advantage to either party, and saves our men from barbarous treatment by the rebels. To exchange their healthy men for ours, who are on the brink of the grave from their hellish treatment, of course gives them all the advantage. Nevertheless it seems very cruel to leave our men to be slowly but deliberately tortured to death. But I suppose there is no remedy at present.

* * * * * * *

Very respectfully, your obedient servant,

H. W. HALLECK,
Major General, Chief of Staff.

Lieutenant General GRANT, *City Point.*

H. Q. A., *January* 3, 1865. Official:

J. C. KELTON, *A. A. G.*

[Extract.]

HEADQUARTERS OF THE ARMY,
Washington, D. C., September 6, 1864.

GENERAL: * * * * * * * * *

I presume that General Grant's order to make no more exchanges of prisoners was based on the fact that they give us only such men as they have utterly

broken down by starvation, receiving in return from us men fit for duty. Every exchange, therefore, gives them strength, without any corresponding advantage to us. Not so, however, with exchanges made on the battle-field, or immediately after an engagement. Exchanges of this kind made, man for man, as provided for in the cartel, General Grant did not intend to prohibit. You and the officers under your command are therefore at liberty to continue the exchanges in the field, as provided for in the last clause of article 7 of the cartel of July 22, 1862.

Very respectfully, your obedient servant,

H. W. HALLECK,
Major General, Chief of Staff.

Major General CANBY, *New Orleans.*

Official copy: J. C. KELTON, *A. A. G.*

HEADQUARTERS MILITARY DIVISION OF WEST MISSISSIPPI,
New Orleans, La., September 9, 1864.

SIR: I have the honor to acknowledge the receip of your despatch of the 26th ultimo. No further exchange of prisoners of war will be made.

I transmit for your information copies of the correspondence upon this subject, showing the extent to which exchanges have been made, and the reasons and authority for making them.

Very respectfully, your obedient servant,

ED. R. S. CANBY,
Major General Commanding.

Major General H. W. HALLECK,
Chief of Staff, &c., &c., Washington, D. C.

H. Q. A., *January* 4, 1865. Official copy:

J. C. KELTON, *A. A. G.*

HEADQUARTERS MILITARY DIVISION WEST MISSISSIPPI,
New Orleans, La., September 19, 1864.

SIR: * * * * * * * *

The exchange of prisoners in this command has been regulated upon the principle of getting a fair equivalent for the men exchanged. By the cartel of July 28, with the exception of about 500 men captured by General Steele, we obtain effective men (now on their way from Tyler, Texas) in exchange for men paroled at Vicksburg, and already within the rebel lines. This has been approved by the commissioner of exchange.

The exchange made by Major General Herron, and subsequently ratified by me, was from men recently captured from us. The exchange of the naval prisoners in Texas was referred to me by the War Department. In order to effect it, it was necessary to include the Fort Gaines prisoners. We lose nothing by the exchange.

Copies of G. O. Nos. 37 and 48 are respectfully enclosed.

Very respectfully, sir, your obedient servant,

ED. R. S. CANBY, *Major General.*

Major General H. W. HALLECK,
Chief of Staff of the Army, Washington, D. C.

H. Q. A., *January* 4, 1865. Official copy:

ROBERT N. SCOTT, *A. A. G.*

HEADQUARTERS MILITARY DIVISION OF WEST MISSISSIPPI,
New Orleans, La., September 14, 1864.

GENERAL ORDERS, }
No. 48. }

The further exchange of prisoners of war having been suspended by the order of the lieutenant general commanding the armies of the United States, all prisoners of war now held at any post within the limits of this command will be sent to depots at the north, with as little delay as is consistent with safe transfers.

Detachments from Vicksburg, and points above that place, will be sent via Cairo, and from points below that place via New Orleans.

* * * * * * * * *

By order of Major General E. R. S. Canby.

C. T. CHRISTENSEN,
Lieut. Colonel and Ass't Adj't General.

Official:

C. T. CHRISTENSEN,
Lieut. Colonel and Ass't Adj't General.

H. Q. A., *January* 4, 1864. Official copy:

ROBERT N. SCOTT, *A. A. G.*

WASHINGTON CITY, D. C., *August* 24, 1864.

SIR: In reference to the communication of Colonel Dwight of July 25, addressed to yourself, and by you forwarded the 4th instant, touching the validity of certain paroles, say 1,360, I entirely concur with you in the opinion that the enemy, having held those prisoners ten days, are entitled to credit for them.

Very respectfully, your obedient servant,

E. A. HITCHCOCK,
Maj. Gen. Vols., Commissioner for Exchange of Prisoners.

Maj. Gen. E. R. S. CANBY,
Headquarters, New Orleans, La.

A true copy:

B. F. MOREY, *Captain and A. A. G.*

H. Q. A., *January* 4, 1865. Official copy:

J. C. KELTON, *A. A. G.*

WASHINGTON, D. C., *August* 20, 1864.

SIR: In answer to your communication of the 4th instant, forwarding a cartel agreed upon July 28, I have to inform you that the prisoners of war referred to in the second and third articles of said cartel will be placed at your disposal by Colonel Hoffman, commissary general of prisoners, as soon as practicable, of which he will advise you.

Very respectfully, your obedient servant,

E. A. HITCHCOCK,
Maj. Gen. Vols. and Commissioner for Exchange of Prisoners.

Major General E. R. S. CANBY,
Commanding Military Dirision West Mississippi.

A true copy:

B. F. MOREY, *Capt. and A. A. G.*

H. Q. A., *January* 4, 1864. Official copy:

J. C. KELTON, *A. A. G.*

HEADQUARTERS MILITARY DIVISION OF WEST MISSISSIPPI,
New Orleans, La., August 14, 1864.

Copy of endorsement on roll of prisoners forwarded to Major General E. A Hitchcock, commissioner for exchange:

HEADQUARTERS MILITARY DIVISION WEST MISSISSIPPI,
New Orleans, La., August 4, 1864.

Respectfully forwarded for the information of the commissioner for exchange of prisoners.

If these prisioners were held for ten days and were delivered at our lines, I am of the opinion that under the terms of the cartel the rebel authorities are entitled to credit for their delivery.

E. R. S. CANBY,
Major General Commanding.

A true copy:

B. F. MOREY, *Captain and A. A. G.*

H. Q. A., *January* 4, 1865. Official copy:

J. C. KELTON, *A. A. G.*

HEADQUARTERS MILITARY DIVISION OF WEST MISSISSIPPI,
New Orleans, La , August 4, 1864.

GENERAL: I have the honor to report that the proposed exchange of prisoners of war in this division and the trans-Mississippi department failed on the alleged ground of want of authority on the part of General Smith. A special exchange was subsequently proposed, to which I have agreed, as it will release a large number of our prisoners now confined in Texas in exchange, in great part, for men that have been paroled and are within the rebel lines. I enclose a copy of this agreement, and have the honor to request that the prisoners referred to in articles two and three may be sent me for delivery,

The exchange of the prisoners belonging to our navy now confined in Texas was refused in consequence of orders from the rebel government at Richmond, prohibiting their exchange except for prisoners belonging to the rebel navy. It is hoped that Admiral Farragut's operation at Mobile bay will give us the means of effecting the release of these men.

Very respectfully, your obedient servant,

E. R. S. CANBY,
Major General Commanding.

Major General E. A. HITCHCOCK,
Commissioner for Exchange, &c., &c.

Official:

C. T. CHRISTENSEN,
Lieutenant Colonel and A. A. G.

H. Q. A., *January* 4, 1865. Official copy:

J. C. KELTON, *A. A. G.*

HEADQUARTERS MILITARY DIVISION OF WEST MISSISSIPPI,
New Orleans, Louisiana, June 21, 1864.

GENERAL: General E. K. Smith has proposed a general exchange of prisoners held by both armies in the trans-Mississippi department and the division

of West Mississippi, and I have sent a commissioner to the mouth of Red river to meet the commissioner appointed by him.

I have instructed the commissioner sent by me that all negotiations shall be conducted under the recognized and expressed understanding that the condition of the cartel of July 22, 1861, shall apply to all troops in the service of the United States; that officers and men of colored regiments shall receive the same treatment, be entitled to the same privileges, and be exchanged in the same manner as other troops; and that the third article of the cartel shall apply to all conditions without distinction. In addition to the prisoners now held by us, General Smith proposes to exchange the Louisiana brigade captured at Vicksburg and paroled by Lieutenant General Grant, and the captures at Arkansas Post, which it is understood have not yet been exchanged, against recent captures in the department of Arkansas and the gulf. If these exchanges are made there will be still a balance against us in the division of three thousand men.

I have no information with regard to the Louisiana brigade or the captures at Arkansas Post. Will you please cause it to be furnished me?

Very respectfully, your obedient servant,

E. R. S. CANBY,
Major General Commanding.

Major General E. A. HITCHCOCK,
Commissioner of Exchange of Prisoners.

Official:

C. T. CHRISTENSEN,
Lieutenant Colonel and A. A. G.

H. Q. A., *January* 4, 1865. Official copy:

J. C. KELTON, *A. A. G.*

Copy of indorsement on a roll of exchanged prisoners forwarded to the commissary general of prisoners, August 30, 1864.

HEADQUARTERS MILITARY DIVISION WEST MISSISSIPPI,
New Orleans, Louisiana, August 30, 1864.

Respectfully forwarded to the commissary general of prisoners. The exchange was made by Major General Herron under a misapprehension, but, under the circumstances, I have approved it and ordered the officers and men to duty. I recommend that the change be officially announced.

E. R. S. CANBY,
Major General Commanding.

Official:

B. F. MOREY, *A. A. G.*

H. Q. A., *January* 4, 1865. Official copy:

J. C. KELTON, *A. A. G.*

DEPARTMENT OF THE SOUTH.

HEADQUARTERS OF THE ARMY,
Washington, D. C., June 20, 1864.

COLONEL: You will turn over to Major Strong, of General Foster's staff, five rebel general officers, prisoners of war, of rank corresponding to that of

United States officers exposed by General Sam. Jones to the fire of our batteries in Charleston.

H. W. HALLECK,
Major General, Chief of Staff.

Col. HOFFMAN,
Commissioner of Prisoners.

Official copy:

J. C. KELTON, *A. A. G.*

HEADQUARTERS OF THE ARMY,
Washington, D. C., June 21, 1864.

COLONEL: In addition to the five general officers, as directed yesterday, you will turn over to Major Strong, for transportation to the department of the south, forty-five field officers, rebel prisoners of war.

H. W. HALLECK,
Major General, Chief of Staff.

Col. HOFFMAN,
Commissioner of Prisoners.

Official copy:

J. C. KELTON, *A. A. G.*

HEADQUARTERS DEPARTMENT OF THE SOUTH,
Hilton Head, South Carolina, June 16, 1864.

I have the honor to report that I have to-day received from Major General Samuel Jones, commanding the rebel forces in this department, a letter stating that five general officers of the United States, as prisoners of war, had been placed in Charleston to be retained there under our fire.

Against this weak and cruel act I have protested.

In the mean time the fire on the city is continued. I respectfully ask that an equal number of rebel officers, of equal rank, may be sent to me in order that I may place them under the enemy's fire as long as our officers are exposed in Charleston.

I send Major E. N. Strong, on the steamer Mary A. Boardman, to Fort Monroe to await your answer, and, if my request be granted, to bring down the prisoners. Copies of the correspondence will be mailed to you as soon as Major Strong arrives at Fort Monroe.

J. G. FOSTER,
Major General Commanding.

H. Q. A., *January* 6, 1865. Official:

D. C. WAGER, *A. A. G.*

HEADQUARTERS DEPARTMENT OF THE SOUTH,
Hilton Head, South Carolina, June 16, 1864.

GENERAL: I have the honor to enclose herewith a copy of a letter from Major General Sam. Jones, commanding the confederate department of South Carolina, Georgia, and Florida, dated June 13 instant, transmitted through Brigadier General R. S. Ripley, commanding the first military district of such

department, with copies of General Ripley's letter of transmittal and of my reply.

I have sent Major E. W. Strong, of my personal staff, to Fortress Monroe with the propeller Mary A. Boardman, with instructions to await your reply, and to bring down the requisite number of prisoners to this department should the President accede to my recommendation that the means of retaliation indicated in my letter to General Jones be adopted.

I have the honor to be, general, very respectfully, your obedient servant,

J. G. FOSTER,
Major General Commanding.

Major General H. W. HALLECK,
Chief of Staff, Armies of United States, Washington, D. C.

H. Q. A., *January* 9, 1865. Official copy:

ROBERT N. SCOTT, *A. A. G.*

HEADQUARTERS FIRST MILITARY DISTRICT,
DEPARTMENT OF SOUTH CAROLINA, GEORGIA AND FLORIDA,
Charleston, June 13, 1864.

GENERAL: I have the honor to enclose for transmission to the commanding general of the United States forces on this coast a letter from Major General Samuel Jones, commanding this department.

The letter informs him that five generals and forty-five field officers, of the federal army, prisoners, have been ordered to be confined in Charleston. These officers have been placed under my charge and will be provided with commodious quarters in a part of the city occupied by non-combatants, the majority of whom are women and children. It is proper that you should know, however, that the position of the city in which they are located is, and has been for some time, exposed day and night to the fire of your guns.

Very respectfully, your obedient servant,

R. S. RIPLEY,
Brigadier General Commanding.

General SCHIMMELPHENNIG,
Com. U. S. Forces, Morris and Folly Islands, &c., &c.

H. Q. D. S., *Hilton Head, S. C., June* 16, 1864. Official:

THOMAS G. ROBINSON,
1st Lieut. 21st U. S. C. T., Act. Ass't Adj't Gen.

H. Q. A., *January* 9, 1864. Official copy:

ROBERT N. SCOTT, *A. A. G.*

HEADQUARTERS DEPT. OF S. CAROLINA, GEORGIA, AND FLORIDA,
Charleston, S. C., June 13, 1864.

GENERAL: Five generals and forty-five field officers of the United States army, all of them prisoners of war, have been sent to this city for safe-keeping. They have been turned over to Brigadier General Ripley, commanding the 1st military district of this department, who will see that they are provided with commodious quarters in a part of the city occupied by non-combatants, the majority of whom are women and children. It is proper, however, that I should

inform you that it is a part of the city which has been for many months exposed day and night to the fire of your guns.

Very respectfully, your obedient servant,

SAMUEL JONES,
Major General Commanding.

Major General J. G. FOSTER,
Commanding U. S. Forces, coast of S. C., C. S.

H. Q. D. S., *Hilton Head, S. C., June* 16, 1864. Official:

THOMAS J. ROBINSON,
First Lieut. 21st U. S. Colored Troops, Act. Ass't Adj't Gen.

H. Q. A., *January* 9, 1864. Official copy:

ROBERT N. SCOTT, *A. A. G.*

HEADQUARTERS DEPARTMENT OF THE SOUTH,
Hilton Head, S. C., June 16, 1864.

GENERAL: I have to acknowledge the receipt this day of your communication of the 13th instant., informing me that five generals and forty-five field officers of the United States army, prisoners of war, have been sent to Charleston for safe-keeping; that they have been turned over by you to Brigadier General Ripley, with instructions to see that they are provided with quarters in a part of the city occupied by non-combatants, the majority of which latter you state are women and children. You add that you deem it proper to inform me that it is a part of the city which has been for many months exposed to the fire of our guns.

Many months since, Major General Gilmore, United States army, notified General Beauregard, then commanding at Charleston, that the city would be bombarded. This notice was given that non-combatants might be removed, and thus women and children be spared from harm. General Beauregard, in a communication to General Gilmore, dated August 22, 1863, informed him that the non-combatant population of Charleston would be removed with all possible celerity.

That women and children have been since retained by you in a part of the city which has been for many months exposed to fire is a matter decided by your own sense of humanity. I must, however, protest against your action in thus placing defenceless prisoners of war in a position exposed to constant bombardment. It is an indefensible act of cruelty, and can be designed only to prevent the continuance of our fire upon Charleston.

That city is a depot of military supplies. It contains not merely arsenals, but also foundries and factories for the manufacture of munitions of war. In its ship-yards several armed iron-clads have been already completed, while others are still upon the stocks in course of construction. Its wharves and the banks of the rivers on both sides of the city are lined with batteries. To destroy these means of continuing the war is, therefore, my object and duty. You seek to defeat this effort, not by means known to honorable warfare, but by placing unarmed and helpless prisoners under our fire.

I have forwarded your communication to the President, with the request that he will place in my custody an equal number of prisoners, of like grades, to be kept by me in positions exposed to the fire of your guns so long as you continue the course stated in your communication.

I have the honor to be, very respectfully, your obedient servant,

J. G. FOSTER.
Major General Commanding.

Major General SAMUEL JONES,
Com. Confed. Forces, Dept. of South Carolina, Georgia, and Florida.

H. Q. A., WASHINGTON, *January* 9, 1865. Official copy:

ROBERT N. SCOTT, *A. A. G.*

HEADQUARTERS DEPARTMENT OF THE SOUTH,
Hilton Head, S. C., July 7, 1864.

GENERAL: I have the honor to enclose a letter from General Sam. Jones, covering a letter to the Adjutant General United States army, from Brigadier General H. W. Wessells, and from other general officers now prisoners of war in Charleston.

I enclose, also, a copy of my reply to General Sam. Jones. If it meets the views of the government to exchange these prisoners, rank for rank, or its equivalent, I respectfully ask that the requisite authority may be given to me, and I will see that the exchange is properly conducted.

I have the honor to be, very respectfully, your obedient servant,

J. G. FOSTER,
Major General, Commanding.

Major General H. W. HALLECK,
Chief of Staff, U. S. A., Washington, D. C.

Endorsements as follows:

Major General Hitchcock will please consult with the Secretary of War in regard to this matter.

H. W. HALLECK,
JULY 16, 1864. *Major General, Chief of Staff.*

Referred to chief of staff and commissioner of exchange for opinions and report.

EDWIN M. STANTON,
JULY 18, 1864. *Secretary of War.*

General Foster refers letters on the subject of the exchange of certain officers

The undersigned observes that, if the proposed exchange is to affect the question of the right of colored troops to be treated as prisoners of war, the decision already made would negative this proposition.

But the case seems exceptional or special, the officers to be affected being those who have been set apart for retaliatory purposes. In view of the circumstances, the undersigned is of opinion that General Foster might be authorized to make the proposed exchange, provided his condition as expressed in his letter to General Jones be complied with, and that he has assurances from General Jones that no similar experiment shall be made.

E. A. HITCHCOCK,
Major General of Vols., Commissioner of Exchange.

WASHINGTON, *July* 18, 1864.

H. Q. A., WASHINGTON, D. C., *January 5*, 1865. Official copy:
ROBERT N. SCOTT, *A. A. G.*

HEADQUARTERS DEPT. OF S. CAROLINA, GEORGIA, AND FLORIDA,
Charleston, S. C., July 1, 1864.

GENERAL: I send with this a letter addressed by five general officers of the United States army, now prisoners of war in this city, to Brigadier General L. Thomas, Adjutant General, United States army, recommending and asking an exchange of prisoners of war.

I fully concur in opinion with the officers who have signed the letter, that

there should be an exchange of prisoners of war; and though I am not instructed by my government to enter into negotiations for that purpose, I have no doubt that it is willing and desirous now, as it has ever been, to exchange prisoners of war with your government on just and honorable terms.

One difficulty in the way of carrying out the cartel of exchange agreed on between the two governments would not exist, that I am aware of, if the exchange was conducted between you and myself. If, therefore, you think proper to communicate on the subject with your government, I will, without delay, communicate with mine, and it may be that we can enter into an agreement, subject to the approval of our respective governments, by which the prisoners of war now languishing in confinement may be released.

I should be glad to aid in so humane a work, and to the end that there may be no unnecessary delay on my part, I have directed an officer of my staff, Major John F. Lay, assistant adjutant and inspector general, charged with the delivery of this, to wait a reasonable time in the vicinity of Port Royal ferry for your answer. He is fully informed of my views on the subject, and if you desire it, will confer with you or any officer you may designate.

Very respectfully, your obedient servant,

SAM. JONES,
Major General, Commanding.

Major General J. G. FOSTER,
Com'dg Department of the South, Hilton Head.

H. Q. A., WASHINGTON, D. C., *January* 5, 1865. Official copy:
ROBERT N. SCOTT, *A. A. G.*

CHARLESTON, S. C., *July* 1, 1864.

GENERAL: We desire respectfully to represent, through you, to our authorities, our firm belief that a prompt exchange of the prisoners of war in the hands of the southern confederacy, if exchanges are to be made, is called for by every consideration of humanity. There are many thousands confined at southern points of the confederacy, in a climate to which they are unaccustomed, deprived of much of the food, clothing, and shelter they have habitually received, and it is not surprising, from these and other causes that need not be enumerated here, much suffering, sickness, and death should ensue. In this matter the statements of our own officers are confirmed by those of southern journals. And while we cheerfully submit to any policy that may be decided upon by our government, we would urge that the great evils that must result from any delay that is not desired should be obviated by the designation of some point in this vicinity at which exchanges might be made; a course, we are induced to believe, that would be acceded to by the confederate authorities.

And we are, general, very respectfully, your most obedient servants,

H. W. WESSELLS, *Brigadier General, U. S. Vols.*
E. P. SCAMMON, *Brigadier General, U. S. Vols.*
ALEXANDER SHULER, *Brigadier General, U. S. Vols.*
T. SEYMOUR, *Brigadier General, U. S. Vols.*
C. A. HECKMAN, *Brigadier General, U. S. Vols.*

Brigadier General L. THOMAS,
Adjutant General U. S. A., Washington, D. C.

Through Major General J. G. Foster, commanding department of the south, Hilton Head, South Carolina.

H. Q. A, WASHINGTON, *January* 4, 1865. Official copy:
ROBERT N. SCOTT, *A. A. G.*

HEADQUARTERS DEPARTMENT OF THE SOUTH,
July 4, 1864.

GENERAL: I have received your letter of the 1st instant, covering a letter from the five general officers of the United States army, now prisoners of war in Charleston, to Brigadier General L. Thomas, Adjutant General United States army.

I fully reciprocate your desire for an exchange of prisoners; but before any steps can be taken to effect it, it will be necessary for you to withdraw from exposure to our fire those officers now confined in Charleston. I have not yet placed your prisoners in a similar position of exposure.

Very respectfully, your obedient servant,

J. G. FOSTER,
Major General, Commanding.

Major General SAM. JONES,
Com'dg Confederate Forces in South Carolina, Georgia, and Flordia, Charleston, S. C.

H. Q. A., WASHINGTON, *January* 4, 1865. Official copy:
ROBERT N. SCOTT, *A. A. G.*

HEADQUARTERS DEPARTMENT OF THE SOUTH,
Hilton Head, S. C., July 8, 1864.

GENERAL: I have the honor to acknowledge the receipt of five general officers and forty-five field officers, rebel prisoners of war, under the charge of Major E. N. Strong, aide-de-camp.

They are now confined on board a vessel anchored under the guns of the Wabash. As soon as strong jails, now constructing, can be put up near Fort Gregg, these prisoners will be placed in them.

Very respectfully, your obedient servant,

J. G. FOSTER,
Major General, Commanding.

Major General H. W. HALLECK,
Chief of Staff of Armies of United States.

H. Q. A., *January* 6, 1865. Official copy:
J. C. KELTON, *A. A. G.*

HEADQUARTERS DEPARTMENT OF THE SOUTH,
Hilton Head, S. C., July 17, 1864.

GENERAL: I have the honor to enclose herewith copies of letters received by me from Major General Sam. Jones, commanding confederate forces in South Carolina, Georgia, and Florida; also copies of my letters in reply to the same.

Very respectfully, your obedient servant,

J. G. FOSTER,
Major General Commanding.

Major General HALLECK,
Chief of Staff, U. S. A., Washington, D. C.

H. Q. A., WASHINGTON, *January* 5, 1865. Official copy:
ROBERT N. SCOTT, *A. A. G.*

HEADQUARTERS DEP'T OF SOUTH CAROLINA, GEORGIA, AND FLORIDA,
Charleston, S. C., July 13, 1864.

GENERAL: I have received your letter of the 1st instant. Mine of the 13th and 22d ultimo indicate with all necessary precision the location of the United States officers who are prisoners of war in this city. I cannot well be more minute, without pointing out the very houses in which they are confined; and, for reasons very easily understood, I am sure this will not be expected.

If the statements in my letter of the 22d ultimo are insufficient, the letter of the five general officers, dated the first instant, in which they assure you that they "are as pleasantly and comfortably situated as is possible for prisoners of war, receiving from the confederate authorities every privilege that we (they) could desire or expect; nor are we (they) unnecessarily exposed to fire," gives you all the information in regard to their treatment that you can reasonably desire.

In conclusion, let me add that I presumed, from a copy of your confidential order of the 29th ultimo, that you are commanding in person the troops operating against this city; and as you had particularly requested me to communicate with you only by the way of Port Royal ferry, I felt bound to delay my reply until I was assured it would promptly reach you by the route you were pleased to indicate.

Very respectfully, your obedient servant,

SAM. JONES,
Major General Commanding.

Major General J. G. FOSTER,
Commanding U. S. Forces, Hilton Head, S. C.

H. Q. D. S., HILTON HEAD, S. C., *July* 17, 1864. Official copy:
THOS. J. ROBINSON,
1st Lieut. 21st U. S. C. T., A. A. A. G.

H. Q. A., WASHINGTON, *January* 5, 1865. Official copy:
ROBERT N. SCOTT, *A. A. G.*

HEADQUARTERS DEP'T OF SOUTH CAROLINA, GEORGIA, AND FLORIDA,
Charleston, S. C., July 13, 1864.

GENERAL: Your letter of the 4th, in reply to mine of the 18th, has been received. I am pleased to know that you reciprocate my desire for an exchange of prisoners, but regret that you should require, as a condition precedent to any negotiation for this end, that I should remove from their present location the United States prisoners of war now in this city. Such a course on my part would be an implied admission that these officers are unduly exposed and treated with unnecessary rigor, which they have themselves assured you, in their letter of the 1st instant, is not the case.

I regard the exchange of prisoners as demanded alike by the rules of civilized warfare and the dictates of common humanity, and to require a change of location which you have every reason to know the prisoners do not themselves desire, is to throw an unnecessary obstacle in the way of accomplishing this end, and thus retain prisoners of war in irksome confinement.

The change I most prefer would be to send them to your headquarters, and this may yet be done unless defeated by obstacles interposed by yourself or your government.

I was notified of your request to send a staff officer to meet one of yours at Port Royal at 2 p. m. to-day, too late to comply therewith. I have, however,

directed the officer of your staff to be informed that I would send an officer to meet him at 4 p. m. to-morrow; and have accordingly directed Major J. F. Lay, A. A. and I. General, to take charge of this letter and deliver it at Port Royal ferry. I repeat that he is fully advised of my views, and should you desire it, will confer with you or any officer of your staff whom you may designate.

Very respectfully, your obedient servant,

SAM. JONES,
Major General, Commanding.

Major General J. G. FOSTER,
Commanding U. S. Forces, Hilton Head, S. C.

H. Q. D. S., HILTON HEAD, S. C., *July* 17, 1864. Official copy:
THOMAS J. ROBINSON,
1st Lieut. 21st U. S. C. T., A. A. A. G.

H. Q. A., WASHINGTON, *January* 5, 1865. Official copy:
ROBERT N. SCOTT, *A. A. G.*

HEADQUARTERS DEP'T OF SOUTH CAROLINA, GEORGIA, AND FLORIDA,
Charleston, S. C., July 13, 1864.

GENERAL: Permit me to say, in reply to your letter of the 7th instant, that I am not aware of any "well established custom of releasing medical officers of both armies." I shall, however, make the necessary inquiries on this point, and if the custom referred to, which I believe has of late fallen into disuse, (from what causes I need not say,) is still regarded, I shall be governed thereby.

It is, however, proper to say that Dr. W. Robinson, of the 104th Pennsylvania volunteers, was not, when captured, attending to the sick and wounded of your army, but was separated from his command, apparently engaged in reconnoitring the country. Whilst I hope that no obstacle to his release may arise, I regret to be compelled to detain him until the facts in the case can be more particularly learned.

The blank pay accounts have been disposed of as requested.

Very respectfully, &c.,

SAM. JONES,
Major General, Commanding.

Major General FOSTER,
Commanding U. S. Forces, Hilton Head, S. C.

H. Q. D. S., HILTON HEAD, S. C., *July* 17, 1864. Official copy:
THOMAS J. ROBINSON,
1st Lieut. 21st U. S. C. T., A. A. A. G.

H. Q. A., WASHINGTON, *January* 5, 1865. Official copy:
ROBERT N. SCOTT, *A. A. G.*

HEADQUARTERS DEPARTMENT OF THE SOUTH,
Hilton Head, S. C., July 15, 1864.

GENERAL: I have the honor to acknowledge the receipt of your three letters of the 13th. My temporary absence has prevented an earlier reply.

I do not desire to communicate with Major Lay at Port Royal ferry, except to ask him to deliver this letter to you.

I have the honor to be, &c.,

J. G. FOSTER,
Major General, Commanding.

Major General SAM. JONES,
Com'dg Confederate Forces, Dep't S. C., Ga. and Fla.

Official copy:

THOMAS J. ROBINSON,
1st Lieut 21st U. S. C. T., A. A. A. G.

H. Q. A., WASHINGTON, *January 5*, 1865. Official copy:
ROBERT N. SCOTT, *A. A. G.*

HEADQUARTERS DEPARTMENT OF THE SOUTH,
Hilton Head, S. C., July 16, 1864.

GENERAL: Regarding the case of Dr. W. Robinson, of the 104th Pennsylvania volunteers, captured by your pickets on John's island, I deem it proper to say that at the time of his capture he was not, as you state, in your letter of the 13th instant, appeared to be the case, "reconnoitring the country."

Having been detained, as the regiment moved in the morning, on professional duty, he missed his way in following, and thus met your pickets.

With respect to the custom of liberating surgeons when captured, I have to say that it has been my custom while in command, both in North Carolina and East Tennessee. Your action in the present case will determine whether the custom will be continued in this department.

Very respectfully, your obedient servant,

J. G. FOSTER,
Major General Commanding.

Major General SAMUEL JONES,
Com'dg Confederate Forces, Dep't of S. C., Ga., and Fla.

Official copy:

THOMAS J. ROBINSON,
First Lieut. 21st U. S. C. T., A. A. A. G.

H. Q. A., WASHINGTON, *January 6*, 1865. Official copy:
ROBERT N. SCOTT, *A. A. G.*

HEADQUARTERS OF THE ARMY,
Washington, D. C., July 19, 1864.

GENERAL: The Secretary of War authorizes you to exchange any prisoners of War now in your hands, rank for rank, or their equivalents, as fixed by the cartel, such exchange being a special one.

Very respectfully, your obedient servant,

H. W. HALLECK,
Major General and Chief of Staff.

Major General JOHN G. FOSTER,
Commanding Department of the South.

Official copy:

J. C. KELTON, *A. A. G.*

HEADQUARTERS DEPARTMENT OF THE SOUTH,
Hilton Head, S. C., August 4, 1864.

GENERAL: I have the honor to acknowledge the receipt of your letter of the 19th ultimo, authorizing me to exchange the prisoners of war now in my hands, and to report that I made such exchange yesterday in Charleston harbor, and that our released officers, comprising five general and one field officer, will proceed north on the steamer Fulton, under command of Brigadier General Wessels, who has orders to report to the Adjutant General of the army from Fort Monroe, and also from New York, if no orders are received before their arrival in the latter city.

Five line officers, that escaped from the railroad train *en route* to Charleston, are sent with other officers.

Very respectfully, your obedient servant,

J. G. FOSTER,
Major General Commanding.

Major General H. W. HALLECK,
Chief of Staff, U. S. A., Washington, D. C.

H. Q. A., WASHINGTON, *January* 4, 1865. Official copy:
ROBERT N. SCOTT, *A. A. G.*

HEADQUARTERS DEPARTMENT OF THE SOUTH,
Hilton Head, S. C., August 4, 1864.

GENERAL: The information given by our prisoners of war now liberated, and by deserters, also by the late rebel papers, represents that our soldiers, now prisoners at Andersonville, Ga., are destitute of comforts and necessaries, and are rapidly dying. The number of deaths per day varies, according to reports, from thirty to seventy.

I do not know what the wish of the government may be; but if it desire that our imprisoned soldiers may be exchanged, so as to relieve them from their distress, I can easily have the matter arranged with the confederate authorities so as to effect an exchange here.

The exchange can be made by the way of Savannah river, and we can easily arrange to guard any number of prisoners on our islands here, and to supply them as bountifully at least as our men are supplied that are in the hands of the enemy.

I think the confederate authorities are very desirous to have an exchange effected both of officers and of men.

The insecure position in which our prisoners have been confined probably causes this desire. They have already been obliged to remove our officers from Macon, and 600 of them have already arrived in Charleston, and the others are to follow. This is probably from its being the only secure place, and from the hope that it may induce still further exchange.

I shall notify General Samuel Jones that no more exchanges will be made through Charleston harbor, and if any are authorized by the government they will be made by the Savannah river. The object of this is to induce them to remove our officers from Charleston to Savannah, so that our fire on the city may be continued without risk of hurting our friends. I have, however, taken

pains to ascertain where our prisoners were confined, so as to direct our fire on other parts.

I have the honor to be, general, very respectfully, your obedient servant,

J. G. FOSTER,
Major General, Commanding.

Major General H. W. HALLECK,
Chief of Staff, U. S. A., Washington, D. C.

H. Q. A., WASHINGTON, *January* 4, 1865. Official copy:

ROBERT N. SCOTT, *A. A. G.*

HEADQUARTERS OF THE ARMY,
Washington, D. C., August 8, 1864.

COLONEL: The Secretary of War directs that six hundred rebel officers, prisoners of war, be sent to Major General Foster, department of the south, for confinement there. They will be of different grades, as may be most convenient.

H. W. HALLECK,
Major General and Chief of Staff.

Colonel HOFFMAN,
Commissioner of Prisoners.

Official copy:

J. C. KELTON, *A. A. G.*

HEADQUARTERS DEPARTMENT OF THE SOUTH,
Hilton Head, S. C., August 17, 1864.

GENERAL: I have the honor to enclose the original and transcribed copy of a document received this day from some of our officers in Charleston. It is addressed to the President of the United States, and signed by Major General Stoneman, Colonel T. J. Harrison, 8th Indiana cavalry, and Colonel J. B. Dorn, 8th Iowa cavalry. It gives a heartrending account of the condition of our private soldiers now prisoners of war at Andersonville, Georgia.

This document was received by the hands of private Prescott Tracy, 82d New York volunteers. Private Tracy was exchanged yesterday at Port Royal ferry, to make up a small deficiency due at the last exchange at Charleston harbor.

Upon the proposed subject of exchange, I have written you fully in another letter.

I have the honor to be, very respectfully, your obedient servant,

J. G. FOSTER,
Major General, Commanding.

Major General H. W. HALLECK,
Chief of Staff, U. S. A., Washington, D. C.

P. S.—I also enclose three other documents, brought on the person of Prescott Tracy; one of which is the original sent to the President of the United States, also a statement by said Prescott Tracy.

J. G. FOSTER,
Major General Commanding.

H. Q. A., WASHINGTON, *January* 6, 1865. Official copy:

ROBERT N. SCOTT, *A. A. G.*

CONFEDERATE STATES PRISON,
Charleston, S. C., August 14, 1864.

To the PRESIDENT OF THE UNITED STATES:

The condition of the enlisted men belonging to the federal armies, now prisoners to the confederate rebel forces, is such that it becomes our duty, and the duty of every commissioned officer, to make known the facts in the case to the government of the United States, and to use every honorable effort to secure a general exchange of prisoners, thereby relieving thousands of our comrades from the horrors now surrounding them. For some time past there has been a concentration of prisoners from all parts of the rebel territory to the State of Georgia; the commissioned officers being confined at Macon and the enlisted men at Andersonville. Recent movements of the federal armies by General Sherman have compelled the movement of the prisoners to other points, and it is now understood they will be removed to Savannah, Georgia, and Columbia and Charleston, South Carolina. But no change of this kind holds out any prospect of relief to our poor men; indeed, as the localities selected are far more unhealthy, there must be an increase rather than a diminution of suffering. Colonel Hill, provost marshal general Confederate States army at Atlanta, stated to one of the undersigned that there were 35,000 prisoners at Andersonville; and by all accounts from the United States soldiers who have been confined there, the number is not overestimated by him. These 35,000 are confined in a field of some thirty acres, enclosed by a board fence, heavily guarded. About one-third have various kinds of indifferent shelter, but upwards of 20,000 are wholly without shelter or shade of any kind, and are exposed to the storms and rains which are of almost daily occurrence; the cold dews of night and the more terrible effects of the sun striking with almost tropical fierceness upon their unprotected heads. This mass of men jostle and crowd each other up and down the limits of their enclosure, in storm or sun, and then lie down on the pitiless earth at night, with no other covering than the clothing upon their back, but few of them having even a blanket. Upon entering the prison, every man is deliberately stripped of money and other property, and as no clothing or blankets are ever supplied to their prisoners by the Confederate States army authorities, the condition of the apparel of the soldiers just from an active campaign can be easily imagined. Thousands are without pants or coats, and hundreds without even a pair of drawers to cover their nakedness. To these men, as indeed to all prisoners, there is issued three-fourths of a pound of bread or meal and one-eighth of a pound of meat per day; this is the entire ration, and upon it the prisoner must live or die. The meal is often unsifted and sour, and the meat such as in the north is consigned to the soap-maker. Such are the rations upon which the Union soldiers are fed by the rebel authorities, and by which they are bravely holding on to life. But to starvation, and exposure to sun and storm, add the sickness which prevails to a most alarming and terrible extent; on an average one hundred die daily. It is impossible that any Union soldiers should know all the facts pertaining to this terrible mortality, as they are not paraded by the rebel authorities. Such statements as the following, made by Sergeant Bindman, 98th Ohio infantry, speak eloquent testimony. Said the sergeant: "Of twelve of us who were captured, six died, four in the hospital; I never expect to see them again; there are but two of us left."

In 1862, at Montgomery, Alabama, under far more favorable circumstances, the prisoners being protected by sheds, from 100 to 200 were sick from diarrhœa and chills out of 700; the same percentage would give 7,000 at Andersonville. It needs no comment, no efforts at word-painting, to make such a picture stand out boldly in most horrible colors. Nor is this all; among the ill-fated of the many who have suffered amputation in consequence of injuries received before

capture, sent from rebel hospitals before their wounds were healed, there are eloquent witnesses against the barbarities of which they are victims. If to these facts be added this, that nothing more demoralizes soldiers and develops the evil passions of man than starvation, the terrible condition of Union prisoners at Andersonville can be readily imagined. They are fast losing hope, and are becoming reckless of life. Numbers, crazed by their sufferings, wander about in a state of idiocy; others deliberately cross the "dead line," and are remorselessly shot down. In behalf of these men we most earnestly appeal to the President of the United States. Few of them have been captured except in the front of battle, in the deadly encounter, and only when overpowered by numbers. They constitute as gallant a portion of our armies as carry our banner anywhere. If released they would soon return to again do vigorous battle for our cause.

We are told that the only obstacle in the way of exchange is the status of enlisted negroes captured from our armies, the United States claiming that the cartel covers all who serve under its flag, and the Confederate States refusing to consider the negro soldiers, heretofore slaves, as prisoners of war. We beg leave to suggest some facts bearing upon the question of exchange, which we would urge upon his consideration. Is it not consistent with the national honor, without waiving the claim that the negro soldier shall be treated as prisoners of war, to effect an exchange of the white soldiers? The two classes are treated differently by the enemy. The white are confined in such prisons as Libby and Andersonville, starved and treated with a barbarism unknown to civilized nations. The black, on the contrary, is seldom imprisoned; they are distributed among the citizens, or employed upon government works. Under these circumstances they receive enough to eat, and are worked no harder than accustomed to. They are neither starved nor killed off by the pestilence in the dungeons of Richmond and Charleston. It is true they are again made slaves, but their slavery is freedom and happiness compared with the cruel existence imposed upon our gallant men. They are not bereft of hope, as are the Union soldiers, dying by inches. Their chances of escape are ten-fold greater than those of the white soldiers, and their condition, in all its lights, is tolerable in comparison with that of the prisoners of war now languishing in the dens and pens of secessia.

While, therefore, believing the claims of our government in matters of exchange to be just, we are yet profoundly impressed with the conviction that the circumstances of the classes of soldiers are so widely different, that the government can honorably consent to an exchange, waiving for a time the established principle justly claimed to be applicable in the case. Let 35,000 suffering, starving, and dying enlisted men aid this appeal to the Chief Magistrate of the republic for prompt and decided action in their behalf, and 35,000 heroes will be made happy. For the 1,800 commissioned officers now prisoners, we urge nothing. Although desirous of returning to our duty, we can bear imprisonment with more fortitude if the enlisted men, whose sufferings we know to be intolerable, were restored to *liberty* and *life*.

J. B. DORR,
Colonel Eighth Iowa Cavalry.
T. J. HARRISON,
Colonel Eighth Indiana Cavalry.
GEO. STONEMAN,
Major General United States Volunteers.

H. Q. A., WASHINGTON, *January* 7, 1865. Official copy:
ROBERT N. SCOTT, *A. A. G.*

Statement of Private Prescott Tracy, 82d New York volunteers, an exchanged prisoner of war.

HILTON HEAD, *August* 19, 1864.

Prescott Tracy, 82d New York volunteers, a prisoner of war exchanged at Port Royal ferry on the 18th instant, states that Captain Wirtz, post captain at Andersonville, who has charge of the Union prisoners at the Confederate States prison, camp Sumter, Andersonville, Georgia, is a brutal monster. When the men come to camp, worn out and weary, they are kept in the hot sun, and if they attempt to sit down or go aside to relieve the calls of nature, he orders them to be shot, and it is often done. His usual language is, You G— d—— son of a b—h, stand up in line or I will shoot you down.

If there are any Germans, he takes them to his private office and has conversation with them; I can't tell what about, but we all think it suspicious. They will not tell us what is said or done in these private conversations. All the orders for shooting and ill-treating our men in the vile manner it is done come from him. He tells them that every Yankee they kill is a day less to serve in the army.

Official:

W. L. M. BERGER,
Captain and A. A. G.

H. Q. A., WASHINGTON, *January* 6, 1865. Official copy:
ROBERT N. SCOTT, *A. A. G.*

—

Statement.

OFFICE OF THE PROVOST MARSHAL GENERAL,
Department of the South, Hilton Head, S. C., August 19, 1864.

Prescott Tracy, private company G, 82d New York volunteers, from New York city, a prisoner of war captured at Petersburg on the 22d of June; from Petersburg was taken to Richmond; from Richmond to Belle island. Over 1,200 men were at Belle island; we were starved there; our treatment was very bad. From Belle island we were taken to Lynchburg, thence we marched seventy-five miles to Danville; it took five days, and all we had to eat was a few crackers, from eleven to fifteen for each man for the trip. At Danville we were well treated. From Danville we went to Andersonville, and were nearly starved to death; we had no shelter; they stole our blankets, money, coffee, and everything; we were completely robbed. On the road down some of the officers made the men take the rings off their fingers. Most of the men at Andersonville are nearly naked; they steal the clothing off your back; they stole my shirt, the only one I had; they made me take it off.

Some of the men have no clothing except a meal-bag with a hole cut for their head and others for their arms, their clothing having been all stolen.

We have no shelter whatever from sun, rain or cold; no covering at night. Full one-half are sick with malignant diarrhœa and scurvy, the worst and most loathsome kind. There are some 34,672 prisoners there; from 80 to 145 die daily. We find them lying dead all over the camp in the morning. The hospital department is outside the stockade, with a few tents, but most of the men are on the ground without bed or shelter. The surgeons, as a general rule, are kind, and do what they can, but they have no medicine and very little means of doing for the sick.

The petition enclosed was suggested by some of the rebel sergeants who call the roll; they asked why we did not get up a petition to our government. The

authorities gave us the paper, and it was agreed, if we would tell nothing but the truth, it would be forwarded to the rebel government and thence to Washington, to endeavor to effect a parole. I was one of the committee. I desired to be permitted to go to Washington, together with the three men, Bates, Higgonson, and Norrett, and personally represent the case to the President. The statement was got up so as to pass the rebel authorities; it does not tell a tithe, no, not a thousandth part of our miseries

The letter from General Stoneman, Colonels Dorr and Harrison was handed to me by General Stoneman on the night before we started, when in Charleston prison. I hid it in my stock; my stock was taken and thrown away by the rebels; I took it up again and brought it through, and did not take the letter out until I gave it to Colonel Hall, provost marshal general. I did not know its contents.

PRESCOTT TRACY.

Subscribed and sworn before me, this 19th day of August, 1864, at Hilton Head, S. C.

JAMES F. HALL,
Lieut. Col. and Provost Marshal General.

Official:

W. L. M. BURGER,
Captain and A. A. G.

H. Q. A., WASHINGTON, *January* 6, 1865. Official copy:
ROBERT N. SCOTT,
Assistant Adjutant General.

—

Minutes of a meeting of the sergeants commanding detachments of prisoners at Andersonville, Georgia.

At a meeting of the sergeants in charge of the various detachments of prisoners confined at Andersonville, Georgia, held for the purpose of taking some action to properly represent the present condition of the prisoners to our government at Washington, and thereby secure, if possible, a speedy redress of the wrongs complained of, the following committee was appointed, who, after due consultation, reported the following preamble and resolutions, which were unanimously adopted:

Committee.—William N. Johnson, chairman; H. C. Higginson, J. S. Banks, E. W. Webb.

PREAMBLE.

Apparently one of the sad effects of the progress of this terrible war has been to deaden our sympathies and make us more selfish than we were when the tocsin of battle-strife first sounded in the land. Perhaps this state of public feeling was to have been anticipated. The frequency with which you hear of captures in battle, and the accounts you have seen of their treatment, has robbed the spectacle of its novelty, and, by a law of our natures, has taken off the edge of sensibilities, and makes them less the object of interest. No one can know the horrors of imprisonment in crowded and filthy quarters but he who has endured it, and it requires a brave heart not to succumb; but hunger, filth, nakedness, squalor and disease, are as nothing compared with the heart-sickness which wears prisoners down, most of them young men whose terms of enlistment have expired, and many of them with nothing to attach them to the cause in

which they serve but principle and love of country and of friends. Does the misfortune of being taken prisoner make us less the object of interest and value to our government? If such you plead, plead it no longer; these are no common men, and it is no common merit that they call upon you to aid in their release from captivity.

The undersigned, sergeants of the United States army, having in charge the various detachments of prisoners now confined in Andersonville, Georgia, would respectfully represent:

1st. That a large portion of the prisoners have been held as such for periods ranging from nine to fifteen months, subject to all the hardships and privations incident to a state of captivity in an enemy's country.

2d. That there are now confined in this prison from 25,000 to 30,000 men, with daily accessions of hundreds, and that the mortality among them, generated by various causes, such as change of climate, diet, and want of proper exercise, is becoming truly frightful to contemplate, and is rapidly increasing in virulence, decimating their ranks by hundreds weekly.

3d. In view of the foregoing facts, we, your petitioners, most earnestly, yet respectfully, pray that some action be immediately taken to effect our speedy release, either on parole or by exchange, the dictates both of humanity and justice alike demanding it on the part of our government.

4th. We shall look forward with a hopeful confidence that something will be speedily done in this matter, believing that a proper statement of the facts is all that is necessary to secure a redress of the grievances complained of.

5th. The above has been read to each detachment by its respective sergeant, and approved by the men, who have unanimously authorized each sergeant to sign it as will and deed of the whole.

This petition is signed by a hundred and eight sergeants of the United States army.

H. Q. A., WASHINGTON, *January* 7, 1865. Official copy:
ROBERT N. SCOTT, *A. A. G.*

—

At a meeting of the committee appointed for the purpose of appointing delegate, to present a petition from the prisoners confined in the Andersonville, Georgia military prison, to the United States government, to the governors of the several States, and the associated press of the United States, the following named gentlemen were unanimously nominated:

Edward Bates, chairman; H. C. Higginson, S. Norrot, F. Garland, W. N. Johnson, P. Tracy.

On motion, it was decided that the following letter should accompany the copy of the petition which is to be forwarded to the confederate authorities at Richmond:

CAMP SUMTER,
Andersonville, Ga., July 20, 1864.

In order to facilitate the circulation of the enclosed petition, we would respectfully urge the necessity of having representatives from the prisons here confined, who will be permitted to convey within the United States lines, and place before the people, through the medium of the associated press of the United States, the governors of the respective States, and to the executive authority of the United States, the facts contained in the accompanying document, and do whatever may be advisable in reference thereto. Believing, as we do, that such a course would

best subserve the ends in view, we, as a committee of the whole, respectfully submit the following named persons, subject to your approval, to consummate the undertaking:

Edward Bates, H. C. Higginson, S. Norrot, F. Garland, Wm. N. Johnson, Prescott Tracy.

On motion, the committee adjourned, to meet again at six and a half o'clock, to act in conjunction with the general meeting.

S. NORROT, *Chairman.*
C. A. McCLASKEY,
Secretary for Commissioner.

H. Q. A., WASHINGTON, *January* 7, 1865. Official copy:
ROBERT N. SCOTT, *A. A. G.*

HEADQUARTERS DEPARTMENT OF THE SOUTH,
Hilton Head, S. C., August 17, 1864.

GENERAL: I have the honor to enclose to you a report made to me by Lieutenant Colonel Woodford, the officer whom I had appointed to attend to whatever exchange of prisoners might be authorized in this department.

From this it will appear that the confederate authorities are anxious to effect an exchange of officers and men, rank for rank, or its equivalent, to embrace all the prisoners the confederacy have now on hand.

I have made no propositions of any kind, and will only carry out the wishes of the government strictly and carefully, whatever they may be.

It may be proper to say that, if it be the wish of the government to obtain all our prisoners by exchange, it can be effected readily by way of the Savannah river, and the rebel prisoners, up to the time of their exchange, can, I think, be safely guarded upon these islands.

I have the honor to be, general, very respectfully, your obedient servant,

J. G. FOSTER,
Major General Commanding.

Major General H. W. HALLECK,
Chief of Staff U. S. Armies, Washington, D. C.

H. Q. A., WASHINGTON, *January* 4, 1865. Official copy:
ROBERT N. SCOTT, *A. A. G.*

JUDGE ADVOCATE'S OFFICE, DEPARTMENT OF THE SOUTH,
Hilton Head, S. C., August 17, 1864.

GENERAL: I have the honor to report that, in obedience to your instructions of August 6, instant, directing me to accompany Major Anderson, A. D. C., to Port Royal ferry, for the purpose of being introduced to Major Lay, of the confederate forces, as the officer who would in future conduct all exchange of prisoners at this point, I proceeded on the 16th instant with Major Anderson to the designated place, and met Major Lay.

In conformity with an arrangement previously made between Majors Anderson and Lay, I took with me eight (8) confederate privates, and duly exchanged them for the same number of United States soldiers. I also delivered to Major Lay Dr. William Wilson, an assistant surgeon of the Villepignes battalion, (confederate,) who was captured recently in Florida, and had been held as a hostage for surgeons of our army prisoners in the hands of the confederate

authorities. Major Lay delivered to me Dr. William T. Robinson, surgeon 104th Pennsylvania volunteers, and Dr. H. S. Tyrrell, assistant surgeon 17th Connecticut volunteers, who had been held by them as prisoners. It was then agreed between Major Lay and myself that all surgeons and chaplains who might be captured by either army in this department should be released so soon as their profession and rank should be ascertained.

In obedience to your verbal instructions, given me on the 14th instant, I asked Major Lay what authority he had in regard to the future exchange of prisoners, and he replied that he was empowered to exchange man for man, and rank for rank, as many prisoners of war as would be delivered to him in this department. He further stated that he was able to exchange a large number of private soldiers, and was directed to facilitate such exchange by all proper means. I replied that you were personally desirous of exchanging all the prisoners of war whom you properly could, and that you had written to the War Department at Washington, asking instructions upon the entire subject of a further exchange in this department. I also promised, that should you receive any instructions authorizing either a partial or general exchange, you would immediately notify Major General Jones by flag of truce.

Major Lay informed me that he had with him about twelve officers and twenty privates, whom he was ready to deliver to me upon the condition that I would sign a stipulation in your behalf to return an equal number of confederate officers and men. Under your instructions to close up the limited exchanges already agreed upon, and not to make any arrangements for future ones until you should receive definite authority from Washington, I was compelled, although with regret, to decline Major Lay's offer.

In conclusion, I would respectfully state that I am fully satisfied that an exchange of our officers now confined at Charleston, Savannah, and Macon can be effected, as also of many of our soldiers who are imprisoned and suffering at Andersonville, Georgia.

The privates received by me yesterday unite in describing the condition of their late comrades at Andersonville as being pitiful in the extreme. They state they are but half fed; that they are naked, suffering, sick, and dying. They beg the government to at least exchange as many of their number as possible, and thus save them from further agony. In their prayer I respectfully concur.

I am, general, with great respect, your obedient servant,

STEWART L. WOODFORD,
Lieut. Col. 127th Regiment N. Y. Vols., and A. J. A.

Major General JOHN G. FOSTER, U. S. A.,
Commanding Department of the South.

H. Q. A., WASHINGTON, *D. C., January* 4, 1865. Official copy:

———— ————, *A. A. G.*

HEADQUARTERS OF THE ARMY,
Washington, D. C., August 19, 1864.

GENERAL: The testimony of our prisoners at Richmond abundantly proved that they received only a small portion of the stores sent to them. Most of these stores were used by the rebels themselves—whether by the authority or connivance of their own government and officers is not known. It is stated that in many cases where the stores were actually distributed to our prisoners, and

the distribution witnessed and certified to by our officers, the guards actually removed them, either being ordered to do so or acting on their own responsibility. Nevertheless, the Secretary of War authorizes the sending of necessary supplies to our prisoners where measures can be taken to insure their enjoyment of the supplies so sent. To turn over such supplies to the rebel authorities, without security as to their delivery, would only be adding so much to the support of the rebel army.

Very respectfully, your obedient servant,

H. W. HALLECK,
Major General, Chief of Staff.

Major General FOSTER,
Commanding Department of the South.

Official copy:

J. C. KELTON, *A. A. G.*

HEADQUARTERS DEPARTMENT OF THE SOUTH,
Hilton Head, S. C., August 25, 1864.

GENERAL: I have the honor to report the receipt yesterday of a communication from Major General Sam. Jones, dated the 20th instant. I enclose a copy, marked A. It is in reply to my letter to him of the 15th instant, a copy of which I sent to you on that day.

By the same flag of truce which brought me this letter from General Jones, he also sent one from Colonel John Bedell, 3d New Hampshire volunteers, to himself, with one from the colonel to me. Both these letters are dated on the 17th instant. I also enlose copies marked, respectively, B and C, and have the honor to invite your attention to General Jones's indorsement on the letter marked B, [C.]

As all these papers relate to the subject of exchange, I have made no reply to them, but refer them to you for the action of the honorable Secretary of War, as directed in your letter to me of the 8th instant.

I have the honor to be, very respectfully, your obedient servant,

J. G. FOSTER,
Major General, Commanding.

Major General H. W. HALLECK,
Chief of Staff, United States Army.

H. Q. A., *January* 6, 1864. Official copy:

J. C. KELTON, *A. A. G.*

A.

HEADQUARTERS DEP'T S. CAROLINA, GEORGIA, AND FLORIDA,
Charleston, S. C., August 20, 1864.

GENERAL: Your letter of the 15th instant was received two days since.

The information given you by deserters and the United States officers exchanged on the 3d instant, that there were other United States officers, prisoners

of war, confined in this city, is correct. Others have since arrived, as you have probably already ascertained by the masses of letters they have been permitted to send under flag of truce to your lines.

You are mistaken if you suppose those prisoners have been sent here for the purpose of being placed in positions where they may be reached by your shot. They are placed here by the government simply because it is found more convenient at present to confine them here than elsewhere.

When proper arrangements are made for their accommodation elsewhere, they may be removed, but their removal will not be hurried or retarded by your threat to place an equal number of Confederate States officers, prisoners of war, under our fire.

I do not feel it incumbent upon me to keep you informed of the number and rank of the prisoners of war and where they are located. Not that I desire any concealment in the matter, as you may know from the fact that they are permitted to communicate very fully and freely by letters with their friends, and these letters pass through your headquarters.

In reply to your reiterated declaration, that to confine prisoners of war in Charleston is cruel and inconsistent with the usage of civilized warfare, I have to reply that I differ with you in opinion on that point, and refer you for my views on the subject to a letter which I addressed to you on the 22d of June last.

You will permit me to add, that the only treatment received by the prisoners of war now in our possession, that is in disregard of the usage of civilized warfare, they receive at the hands of their own government. They are certainly, as prisoners of war, justly entitled to fair and honorable exchange, and that their government denies them.

I am ready at any time to send you every prisoner of war now in this department, if you will give me in exchange an equal number of Confederate States prisoners, man for man, rank for rank, or their equivalent.

Very respectfully, your obedient servant,

SAM. JONES, *Major General.*

Major General J. G. FOSTER,
Commanding Department of the South, Hilton Head, S. C.

HEADQUARTERS DEPARTMENT OF THE SOUTH,
Hilton Head, S. C., August 25, 1864.

Official copy:

W. L. M. BURGER,
Captain and A. A. G.

H. Q. A., *January* 6, 1865. Official copy:

ROBERT N. SCOTT, *A. A. G.*

RICHLAND JAIL, COLUMBIA, S. C.,
August 17, 1864.

GENERAL: Having heard that there is probability of another exchange of prisoners at Charleston, the officers belonging to the department of the south confined here, and captured more than a year ago, have requested me to respectfully make application to you in their behalf. They are among the prisoners of oldest date within the southern lines, and many of them are suffering greatly from long and painful captivity. If another exchange should take place in your department, they earnestly request that their names may be placed upon the list. The names, with date of capture, may be found within. Besides these I

have added three officers in prison with us, severely wounded, but recently captured, in the hope that they, too, may be speedily exchanged.

A similar application, with list, is enclosed herewith to Major General Jones, Charleston, South Carolina.

I have the honor to be, very respectfully, yours,

JOHN BEDELL,
Colonel 3d New Hampshire Vols.

Major General FOSTER,
Commanding Department of the South.

HEADQUARTERS DEPARTMENT OF THE SOUTH,
Hilton Head, South Carolina, August 25, 1864.

Official copy:

W. L. M. BURGER,
Captain and A. A. G.

H. Q. A., *January 7*, 1865. Official copy:

ROBERT N. SCOTT, *A. A. G.*

RICHLAND JAIL, COLUMBIA, S. C., *August 17*, 1864.

Enclosed herewith is an application to General Foster, commanding at Hilton Head, for the exchange of certain officers confined here, and I respectfully ask that it may be forwarded to him at as early a day as convenient. The officers respectfully request that, in consideration of the great length of their imprisonment, you will place their names on the next list for exchange. If an exchange would be earlier effected by being removed to Charleston, we respectfully ask that it may be done.

Within is a list of the officers, with date of capture, including three wounded officers whom we would be glad to have exchanged with us.

Very respectfully, yours,

JOHN BEDELL,
Colonel 3d New Hampshire Volunteers.

Major General SAM. JONES,
Charleston, South Carolina.

HEADQUARTERS DEPARTMENT OF THE SOUTH,
Hilton Head, South Carolina, August 25, 1864.

Official copy:

W. L. M. BURGER,
Captain and A. A. G.

H. Q. A., *January 6*, 1865. Official copy:

ROBERT N. SCOTT, *A. A. G.*

HEADQUARTERS DEPT. S. CAROLINA, GEORGIA, AND FLORIDA,
Charleston, August 21, 1864.

Respectfully referred to Major General Foster for his information.

I cannot, at present, conveniently comply with their request by bringing them to this city, but I will exchange them for a like number of confederate States officers, rank for rank, or their equivalents.

SAM. JONES,
Major General Commanding.

A true copy:

W. L. M. BURGER,
Captain and A. A. G.

H. Q. A., *January 6*, 1865. Official copy:

ROBERT N. SCOTT, *A. A. G.*

HEADQUARTERS DEPARTMENT OF THE SOUTH,
Hilton Head, South Carolina, September 1, 1864.

GENERAL: I have the honor to inform you that Commander Williams, United States navy, Major Bruyn, 7th New York artillery, and Captain Bird, 14th Pennsylvania cavalry, have been paroled by the confederate authorities for the purpose of proceeding north to arrange, if possible, for their own exchange.

I have directed Major Bruyn and Captain Bird to proceed to New York and report to Major General E. A. Hitchcock by letter from that place.

I have the honor to be, general, very respectfully, your obedient servant,

J. G. FOSTER,
Major General, Commanding.

Major General H. W. HALLECK,
Chief of Staff, U. S. A., Washington.

H. Q. A., *January* 6, 1865. Official copy:

ROBERT N. SCOTT, *A. A. G.*

HEADQUARTERS DEPARTMENT OF THE SOUTH,
Hilton Head, S. C., September 5, 1864.

GENERAL: I have the honor to report that no military operations have taken place since the date of my last report.

The enemy have sent over the lines, without exchange, a large number of surgeons and chaplains whom they have held in custody. This is the result of the correspondence I had with General Sam. Jones, showing him that these persons were to be considered non-combatants. General Jones has also sent over the lines, without exchange, two enlisted men, sergeant and private, that were captured at Port Royal ferry under the following circumstances:

The rebel pickets at that point called to our pickets to send over a boat to them, as they wanted to desert. The sergeant in command of our picket credulously believing them, went in a boat with one man, and upon their arrival on the opposite shore were taken prisoners and the boat seized. General Jones returns them without exchange, with the remark that "they were captured under circumstances which he cannot approve."

General Jones refuses to allow our officers, prisoners of war, to take charge of supplies for our prisoners at Charleston and Savannah, but says he will insure their faithful delivery. He has no jurisdiction over the prisoners at Andersonville, and therefore declines to entertain that part of the proposition.

I enclose a copy of the letter.

I have the honor to be, general, very respectfully, your obedient servant.

J. G. FOSTER,
Major General, Commanding.

Major General H. W. HALLECK,
Chief of Staff, U. S. A.

H. Q. A., *January* 6, 1865. Official copy:

ROBERT N. SCOTT, *Major and A. A. G.*

HEADQUARTERS DEPT. OF S. CAROLINA, GEORGIA AND FLORIDA,
Charleston, S. C., August 25, 1864.

GENERAL: I received yesterday your letter of the 21st instant. The United States soldiers, prisoners of war, now at Andersonville, Georgia, are in no way

whatever under my control, and I therefore cannot undertake to deliver them the sanitary stores you desire to send, without the sanction of the officer having charge of the prisoners. I have referred the matter to him, and feel quite sure that he will not hesitate to allow the stores to be sent to them.

I cannot permit any prisoner to take charge of the stores and act as quartermaster to distribute them; but if the officer having charge of the prisoners will permit them to be delivered, I will designate an officer to receive and receipt to the proper officer of your command for them, and hold him to as strict an accountability for their proper delivery as though these were stores belonging to my government. I will communicate with you further on this subject when I receive a reply from the officer to whom I have referred your request.

I am, very respectfully, your obedient servant,

SAM. JONES, *Major Gen. Com.*

Major General J. G. FOSTER,
Commanding Department of the South, Hilton Head.

HEADQUARTERS DEP'T OF S. CAROLINA, GEORGIA, AND FLORIDA,
Charleston, August 2, 1864.

By an oversight on the part of some one in my office, this letter was not forwarded as it should have been, by flag of truce, the day after its date.

It is now respectfully forwarded.

SAM. JONES, *Major General.*

H. Q. DEPARTMENT OF THE SOUTH, HILTON HEAD, S. C. Official:
THOMAS J. ROBINSON,
1st Lieutenant 21st U. S. C. T., A. A. A. G.

H. Q. A., *January* 6, 1865. Official:
ROBERT N. SCOTT, *Major and A. A. G.*

HEADQUARTERS DEPARTMENT OF THE SOUTH,
Hilton Head, S. C., September 13, 1864.

GENERAL: I have the honor to report that the rebel prisoners brought here on the Crescent were sent to Morris island on the first instant, where they were disembarked on the seventh, and placed in the palisaded enclosure prepared for their reception. This is made as strong as possible under the circumstances, and every precaution is taken to prevent an escape or release. Triple lines of sentinels are established. Proper distribution is made of sections of light batteries and the Requa battery, so that they may be used in case of any disturbance. The whole enclosure, moreover, is directly under the guns of Fort Strong.

The rebels are placed in A tents, which are properly arranged in the form of an encampment, and detailed rules are established for their government. These depend entirely upon the treatment, &c., received in Charleston.

Many of the officers express themselves well satisfied with the novelty of the change, and have little fear of their own shells, which they watch with interest.

I have the honor to be, very respectfully, your obedient servant,

J. G. FOSTER, *Maj. Gen. Commanding.*

Major General H. W. HALLECK, U. S. A.,
Chief of Staff, Armies of the U. S., Washington, D. C.

H. Q. A., *January* 6, 1865. Official:
ROBERT N. SCOTT, *Major and A. A. G.*

HEADQUARTERS OF THE ARMY,
Washington, D. C., September 23, 1864.

GENERAL: The Secretary of War authorizes you to release and send north the five rebel officers mentioned in your letter of the nineteenth instant. If, however, Captain J. B. Fitzgerald was in our army after the rebellion commenced, he will not be released.

* * * * * * * *

H. W. HALLECK, *Maj. Gen., Chief of Staff.*

Major General FOSTER, *Department of the South.*

Official copy: J. C. KELTON, *A. A. G.*

[Confidential.]

HEADQUARTERS DEPARTMENT OF THE SOUTH,
Hilton Head, S. C., September 25, 1864.

GENERAL: I have received recent information from refugees and deserters respecting our officers and soldiers, prisoners of war. There are now 1,800 officers in Charleston, and from 600 to 1,000 in Savannah. Their condition and treatment is tolerable. All the privates have been removed from Andersonville, 6,000 to the race-course, three miles from Charleston, 2,500 to Savannah, and about 20,000 to Florence. The reason for the removal of the privates is said to be the fear of a raid to liberate the prisoners made from Sherman's army.

All the reports unite in describing the condition of the privates as deplorable in the extreme. They are ill-fed, destitute of clothing, and rapidly sickening and dying. Those that were brought to Charleston were of the stronger class among them, as none were permitted to come who could not get along without a cane: of these, one whole car load were naked. All, as they passed along the streets, clutched ravenously at the food that many people brought out to them. All tenderness for each other seemed to be blunted by the brutalizing effect of starvation and misery, and the strong would crowd aside the weak in the struggle for food. Many of these, about 700 in number, have volunteered to work upon the fortifications in this harbor, (Charleston,) being induced to do so by promises of better treatment, more food and clothing, and by being told that their government refuses to exchange them, and has abandoned them. These poor fellows, being thus deceived, have accepted these rebel conditions, and are, I am told, many of them now on Sullivan's island at work repairing the batteries.

The presence of our prisoners in Charleston in their miserable plight has developed the Union sentiment, which is found to be quite considerable; and aid in the form of clothing, food, and money has been freely given. On the other hand, the vile and cruel secession sentiment has been intensified. The following scene is described to me: A Union prisoner sinks down on the sidewalk exhausted; a poor woman carries him bread and milk, and, while feeding him, is accosted by one of the self-styled ladies of the better class with the question, "Feeding him, are you?" "Yes, why not?" was the answer. "Why not! Why, he may have killed your brother, or some of your people." "No," was the reply, "he has killed none of *my* people." "Well," says lady, "you had better feed him with *arsenic*, if you feed him at all."

The feeling among our men, now prisoners, is not, in consequence of the deceptive reports of the rebel guards, and their long confinement and apparently hopeless condition, of the character that loyal men could wish to exist. Our men are told by the rebels that our government will not exchange them, and demand even the rate of *seven confederates to one Yankee*. Such is the exaggera-

tion of the stories that are told them, some of which our poor men believe, and hence their willingness to work even upon rebel fortifications, in order to obtain obtain a small modification of their sufferings.

I have tried in every way to send them supplies. In accordance with your direction not to intrust the United States supplies for distribution to other than our own officers, I have inquired of Major General Sam. Jones if he will allow some of the United States officers, now prisoners of war, to act as quartermasters in the distribution of these supplies. He replies in the negative, but states that he will endeavor to see that all supplies that are sent, and intrusted to him, are faithfully delivered. In accordance with this promise, being actuated by a desire to render prompt aid to our suffering men, I have sent forward a considerable sum of money, raised by private subscription in this department, also many private boxes of stores, accompanied by supplies from the sanitary commission. The money was intrusted to a Catholic priest, who engaged to deliver it to the priest in charge of the sick and dying men who were at Andersonville, for distribution to them or expenditure for their benefit. The sanitary commission has further engaged to send forward 5,000 suits of clothing by the next flag-of-truce boat.

I believe it would be immensely to the benefit of the government to order a general exchange of prisoners to take place at this point. The simple announcement of such an order will carry hope to many a despondent heart among our prisoners and give them all new life. However slow the change may be effected in reality, the knowledge that their time will come in turn will make both officers and men satisfied and hopeful.

I cannot urge this matter too strongly upon you, and ask that you urge it upon the government.

I am satisfied that all soldiers, both white and black, can be readily exchanged without delay or lengthy correspondence. I would prefer, however, if the government comes to the determination to exchange, that the prisoners placed in my hands for retaliation be not exchanged until all Union prisoners be removed from under our fire in Charleston.

Very respectfully, your obedient servant,

J. G. FOSTER,
Major General Commanding.

Major General H. W. HALLECK,
Chief of Staff of Armies of United States.

P. S.—The information of the inducing several hundred of our men to work on the fortifications in the harbor comes direct from Charleston, and is, I think, entitled to credit. I shall, however, take measures to ascertain the whole truth.

J. G. FOSTER,
Major General Commanding.

H. Q. A., WASHINGTON, *January* 4, 1865. Official copy:
ROBERT N. SCOTT, *A. A. G.*

[Confidential.]

HEADQUARTERS DEPARTMENT OF THE SOUTH,
Hilton Head, S. C., September 26, 1864.

GENERAL: I have taken pains to ascertain more about the employment of our soldiers, now prisoners of war, on fortifications in Charleston harbor, and the result is that what I wrote to you yesterday is fully substantiated.

Most of the men are at work in rear of Mount Pleasant. The worst feature in

the case is, that many of our men have been induced by the hopelessness of their condition, by their misery and starvation, *to take the oath of allegiance to the southern confederacy.*

To what extent this has gone I do not know, but the cases are becoming *very frequent.*

Very respectfully and truly yours,

J. G. FOSTER,
Major General Commanding.

Major General H. W. HALLECK, *U. S. Army.*

H. Q. A., WASHINGTON, *January* 5, 1865. Official copy:
ROBERT N. SCOTT, *A. A. G.*

HEADQUARTERS OF THE ARMY,
Washington, D. C., October 5, 1864.

GENERAL: The Secretary of War is not pleased that you should, without authority, send paroled officers to New York to negotiate personal exchanges through the War Department. Hereafter when prisoners of war come into your lines under parole for special exchange, their cases will be reported for the action of the War Department; but until notified of that action, you will not allow them to leave your department, except to return on the expiration of their paroles. There are important reasons why this rule should be strictly observed.

Very respectfully, your obedient servant,

H. W. HALLECK, *M. G., Chief of Staff.*

Major General J. G. FOSTER,
Hilton Head, S. C.

Official copy:

J. C. KELTON, *A. A. G.*

HEADQUARTERS DEPARTMENT OF THE SOUTH,
Hilton Head, S. C., October 13, 1864.

GENERAL: I have the honor to acknowledge the receipt of your letter of September 30, in reply to my confidential letters of the 25th and 26th ultimo, in regard to the exchange of prisoners. In reply, I have to state that the instructions of Lieutenant General Grant, conveyed to me in your letter, will be fully complied with.

Very respectfully, your obedient servant,

J. G. FOSTER
Major General, Commanding

Major General H. W. HALLECK,
Chief of Staff of Armies of the U. S., Washington, D. C.

H. Q. A., WASHINGTON, *January* 4, 1865. Official copy:
ROBERT N. SCOTT, *A. A. G.*

HEADQUARTERS DEPARTMENT OF THE SOUTH,
Hilton Head, S. C., October 20, 1864.

GENERAL: Your letter of September 23, 1864, is received, in which I am authorized to release and send north five rebel officers, upon their taking the prescribed oath of allegiance.

My application, dated September 19, 1864, for the release of these men, was made previous to my being informed that one of the number had been in the United States service since the commencement of the war, previous to his entering that of the rebels; and from subsequent information obtained, I am convinced that the others are unworthy of this measure of leniency in their behalf, and their release would be in opposition to the interests of the service.

With reference to passports for females to come north, I do not understand by your communication that restrictions are placed upon the wives of deserters from the rebel army who may wish to join their husbands.

I have the honor, general, to remain, very respectfully, your obedient servant,

J. G. FOSTER, *Major Gen'l Comd'g.*

Major General H. W. HALLECK,
Chief of Staff, Washington, D. C.

H. Q. A., WASHINGTON, *January* 4, 1865. Official copy:

ROBERT N. SCOTT.

HEADQUARTERS OF THE ARMY,
Washington, D. C., October 31, 1864.

Major General FOSTER, *Hilton Head:*

GENERAL: Your letter of the 20th instant, transmitting General Hardee's proposition for an exchange of prisoners of war, has been submitted to Lieutenant General Grant, who directs me to say that no exchanges will be made (except on the field of battle, as provided in the cartel) without special orders, or through the duly appointed commissioners.

Very respectfully, your obedient servant,

H. W. HALLECK, *Maj. Gen., Chief of Staff.*

Official copy:

J. C. KELTON,
Assistant Adjutant General.

OFFICE COMMISSIONER OF EXCHANGE,
January 19, 1865.

HON. THE SECRETARY OF WAR: In obedience to the telegram, I have the honor to transmit herewith copies of all the correspondence that remains in the office of the commissioner of exchange of prisoners relating to that subject.

Action having been taken thereon by the Secretary of the Navy, by the Lieutenant General, by General Hitchcock, and by Colonel Hoffman, there is correspondence necessary to give a complete history of the matter of exchange of prisoners since I have had the honor to be commissioner of exchange.

I have the honor to be, very respectfully, your obedient servant,

BENJ. F. BUTLER,
Maj. General and Commissioner of Exchange.

Official copy:

E. D. TOWNSEND, *Assist't Adj't General.*

WAR DEPARTMENT,
Washington, December 8, 1863.

GENERAL: I am directed by the secretary of war to inform you that your action in regard to supplying vaccine matter for the use of the Union prisoners at Richmond is approved by this department.

Very respectfully, your obedient servant,
JAMES A. HARDEE, *Ass't Adj't General.*

Major General BENJ. F. BUTLER,
Commanding, &c., Fortress Monroe, Va.

HEADQUARTERS DEP'T OF VIRGINIA AND NORTH CAROLINA,
Fort Monroe, Va., December 23, 1863.

Hon. ROBT. OULD, *Commissioner of Exchange, Richmond, Va:*

SIR: I enclose two papers, the contents of which will explain themselves, and perhaps you will be able by forwarding them to relieve the anguish of an afflicted family.

I have the honor to be, very respectfully, your obedient servant,
BENJ. F. BUTLER,
Major General, Commanding.

HEADQUARTERS DEP'T OF VIRGINA AND NORTH CAROLINA.
Fort Monroe, Va., Dec., 24, 1863.

Hon. ROBT. OULD, *Commissioner of Exchange, Richmond, Va.:*

SIR: I have the honor to enclose to you an official copy of the authority conferring upon me the duties of commissioner of exchange of prisoners, so that we may be able to establish official relations upon that subject.

I have the honor to be, very respectfully, your obedient servant,
BENJ. F. BUTLER,
Major General, Commanding.

HEADQUARTERS DEP'T OF VIRGINIA AND NORTH CAROLINA,
Fort Monroe, Va., December 25, 1863.

Hon. ROBT. OULD, *Commissioner of Exchange of the Confederate Authorities:*

SIR: I desire to have specially exchanged Captain B. F. Ewers, of the 100th Ohio volunteers. He is now suffering with the chronic diarrhœa, with a predisposition to phthisis. He will probably not live; and if able to come, please send him, and I will account for him.

I have the honor to be, very respectfully, &c.,
BENJ. F. BUTLER,
Major General, Commanding.

HEADQUARTERS DEP'T OF VIRGINIA AND NORTH CAROLINA,
Fort Monroe, Va., December 25, 1863.

Hon. ROBT. OULD, *Commissioner of Exchange of the Confederate Authorities:*

SIR: Major Joseph Cushing Edwards, 32d Missouri volunteers, was, about the 14th of December, on picket duty, eight miles from Warrenton, and is sup-

posed to have been captured or killed by the confederate soldiers. I wish you to ascertain where he is, or what has become of him, for the sake of his father, who is a personal friend of mine.

I have the honor to be, very respectfully, your obedient servant,

BENJ. F. BUTLER,
Major General, Commanding.

HEADQUARTERS DEP'T OF VRIGINIA AND NORTH CAROLINA,
Fort Monroe, Va., December 25, 1863.

Hon. ROBT. OULD, *Commissioner of Exchange of the Confederate Authorities:*

SIR: I take leave to send you enclosed an extract furnished me by General Hitchcock from the statement of Surgeon Forrester, 5th Kentucky cavalry, in regard to Captain Mackey.

If that statement is correct, I know that you will see to it that proper proceedings are had, either to procure for Captain Mackey a trial, or promote his release.

May I ask a favorable reply, stating your action in the premises.

I have the honor to be, very respectfully, your obedient servant.

BENJ. F. BUTLER,
Major General, Commanding.

OFFICE COMMISSARY GENERAL OF PRISONERS,
Washington, D. C., December 29, 1863.

GENERAL: I have the honor to enclose herewith a letter, referred by Mr. Ould, from medical officers recently held at Fort McHenry as prisoners of war, complaining of the treatment they received while at the fort.

I have indorsed upon it a reply to such of their complaints as are of any consequence, though I have great doubt of the propriety of taking any notice of such a paper. Mr. Ould has forwarded several such complaints, some of them being mere tissues of untruths, all of which have been satisfactorily answered, and he has no right to expect that they shall be further noticed. I respectfully refer this case to you for such action as you may deem proper.

Very respectfully, your obedient servant,

W. HOFFMAN,
Col. 3d Infantry, Com'y Gen'l Prisoners.

Major General B. F. BUTLER,
Com'r for Exchange of Prisoners, Fort Monroe, Va.

WAR DEPARTMENT, *Washington, December* 31, 1863.

SIR: The Secretary of War directs me to acknowledge the receipt of your communication of the 27th instant, and to express his gratification at the satisfactory condition of affairs at Point Lookout.

The measures which you have adopted and propose to adopt, as stated in that communication, are approved by the Secretary.

Very respectfully, your obedient servant,

ED. R. S. CANBY, *Brig. Gen., A. A. G.*

Major General B. F. BUTLER,
Com'dg Dep't of Va. and N. C., 18th Army Corps, Fort Monroe, Va.

WAR DEPARTMENT, *Washington, December* 31, 1863.

SIR: The Secretary of War directs that you instruct the officers in command at Camp Douglas, Fort Delaware, and Point Lookout, to turn over to the officers that may be designated by the Secretary of the Navy such of the prisoners of war under their charge as will take the oath of allegiance and enlist in the navy of the United States.

A weekly report of the men so transferred will be transmitted for the information of the Secretary of War.

Very respectfully, your obedient servant,

ED. R. S. CANBY, *Brig. Gen., A. A G.*

Col. WILLIAM HOFFMAN,
Com'y General of Prisoners, Washington, D. C.

EXECUTIVE MANSION, *Washington, January* 2, 1864.

SIR: The Secretary of War and myself have concluded to discharge, of the prisoners at Point Lookout, the following classes:

1st. Those who will take the oath prescribed in the proclamation of December 8, and, by the consent of General Marston, will enlist in our service.

2d. Those who will take the oath and be discharged, and whose homes lie safely within our military lines.

I send by Mr. Hay this letter and a blank book and some other blanks, the way of using which I propose for him to explain verbally better than I can in writing.

Yours, very truly,

A. LINCOLN.

Major General BUTLER.

OFFICE COMMISSIONER FOR EXCHANGE,
Fortress Monroe, January 9, 1864.

SIR: Be so kind as to inform me of the whereabouts and present condition of John W. Burns, company H, 12th Massachusetts volunteers, who was taken prisoner on the 11th of October, 1863, and is at present supposed to be in Richmond, Virginia.

I am, sir, very respectfully, your obedient servant,

BENJAMIN F. BUTLER,
Major General and Commissioner for Exchange.

Hon. ROBERT OULD,
Confederate Agent for Exchange, Richmond, Va.

OFFICE COMMISSIONER FOR EXCHANGE,
Fortress Monroe, Va., January 9, 1864.

SIR: Will you please give me such information as you may be able to obtain concerning Captain John McDowell, 77th Pennsylvania volunteers, captured at the battle of Chickamauga.

I am, sir, very respectfully, your obedient servant,

BENJAMIN F. BUTLER,
Major General and Commissioner for Exchange.

Hon. ROBERT OULD,
Confederate Agent for Exchange, Richmond, Va.

OFFICE COMMISSIONER OF EXCHANGE,
Fortress Monroe, Va., January 12, 1864.

SIR: Will you be so kind as to furnish me all the information you may be able to obtain concerning William Nelson, now supposed to be a prisoner in your hands.

I am, sir, very respectfully, your obedient servant,

BENJAMIN F. BUTLER,
Major General and Commissioner of Exchange.

HON. ROBERT OULD,
Confederate Agent of Exchange, Richmond, Va.

[When returned, to be sent to Hon. A. G. Curtin.]

OFFICE COMMISSIONER FOR EXCHANGE,
Fortress Monroe, Va., January 12, 1864.

SIR: Be so kind as to communicate to me any knowledge you may have concerning a prisoner in your hands named John M. Coleman. He was taken about the 28th day of April, 1863.

I am, sir, very respectfully, your obedient servant,

BENJAMIN F. BUTLER,
Major General and Commissioner for Exchange.

HON. ROBERT OULD,
Confederate Agent for Exchange, Richmond, Va.

HEADQUARTERS DEP'T VIRGINIA AND NORTH CAROLINA,
Fortress Monroe, Va., January 12, 1864.

SIR: Enclosed please find receipt rolls and certificate of thirteen men claiming to be master, master's mate, and seamen in the Confederate States navy, captured at Accomac, Virginia, who were said to be in irons at Fort McHenry, and because of whose confinement certain officers and sailors of the United States navy, in the hands of your authorities, were put in irons in retaliation. It will be seen in the certificate that they have been received by me at Fort Norfolk, and are therein treated as prisoners of war, and are not in irons. One of the men captured at the same time made his escape from Fort McHenry.

I need not call your attention to the necessity of striking off the irons from these men whom you hold thus in retaliation. Please advise me that it is so done, that I may inform the friends of the prisoners.

I have the honor to be, very respectfully, your obedient servant,

BENJAMIN F. BUTLER,
Major General Commanding, and Commissioner for Exchange.

HON. ROBERT OULD,
Commissioner of Exchange, Richmond, Va.

HEADQUARTERS DEP'T VIRGINIA AND NORTH CAROLINA,
Fortress Monroe, Va, January 12 1864.

SIR: It is desirable that a list of all the prisoners held by either belligerents, whether officers or soldiers, should be furnished to each office of exchange, and also a list of all who have died on either side while held as prisoners of war.

It is also desirable that an arrangement should be made by which monthly lists should be furnished as soon as practicable, up to the first of each month, of the persons captured and who have died on both sides.

I am prepared to send forward a list up to the first day of December, 1863, and to continue so to furnish, upon condition that you will do the same, monthly list of prisoners and deaths, as above suggested.

I beg to call your attention that your lists already furnished contain the names of only some one hundred and twenty-three deaths. Would we could hope that list is correct, but it is impossible. .

Please see to it, if this arrangement is made, that we have accurate lists of all the deaths in all the prisons and prison-camps wherein our officers or men are held by your authorities, and on our part it is stipulated that the utmost pains shall be taken to make like accurate lists of the officers and men, both living and dead, who are and have been held by us.

I have the honor to be, very respectfully, your obedient servant,

BENJAMIN F. BUTLER,

Major General and Commissioner of Exchange.

Hon. ROBERT OULD,

Commissioner for Exchange, Richmond, Va.

HEADQUARTERS DEP'T OF VIRGINIA AND NORTH CAROLINA,

Fort Monroe, Va., January 12, 1864.

SIR: In compliance with previous arrangements, fifteen civilians are sent up for exchange for a like number of civilians held as prisoners by your authorities. Please receive them, and return the men for whom they are sent forward.

I have the honor to be, very respectfully, your obedient servant,

BENJAMIN F. BUTLER,

Maj. Gen. Com'dg, and Commissioner for Exchange.

Hon. ROBERT OULD,

Commissioner of Exchange, Richmond, Va.

HEADQUARTERS DEP'T OF VIRGINIA AND NORTH CAROLINA,

Fort Monroe, Va., January 12, 1864.

SIR: It is reported that you have stipulated, if evidence is produced that the officers and crew of the steamers Emily and Arrow, captured about May 5, 1863, were in the employ of the quartermaster's department when captured, the officers and men can be released from close confinement, in which we are informed they are, and treated as other prisoners of war.

I enclose the evidence of the fact for your information, and respectfully ask that you will inform me if the officers and crews of such boats can or are to be treated as prisoners of war.

I have the honor to be, very respectfully, your obedient servant,

BENJAMIN F. BUTLER,

Maj. Gen. Com'dg, and Commissioner of Exchange.

Hon. ROBERT OULD,

Commissioner of Exchange, Richmond, Va.

HEADQUARTERS DEP'T OF VIRGINIA AND NORTH CAROLINA,

Fort Monroe, Va , January 12, 1864.

SIR: Your note addressed to Major General Hitchcock in relation to the appointment by the government of the United States of a commissioner of exchange

is returned. This government claims and exercises the power of appointing its own agents to represent its interest, irrespective of any supposed sanction by the confederate authorities.

No right of declaration of outlawry by those authorities of any officer or soldier of the United States can be admitted, or for a moment regarded by the government of the United States, as it certainly will not be by the persons upon whom such intimidations is attempted.

I am instructed to renew the offer, leaving all other questions in abeyance, to exchange man for man, and officer for officer of equal rank, actually held in custody by either party, until all prisoners of war so held are thus exchanged. I take leave to express the hope, from humane considerations to those confined as prisoners of war on either side, that this offer will be accepted.

I am further instructed to inform you that, unless the flag of truce sent forward under the sanction of the commanding general of this department is recognized and respected by your authorities, all further communication between this government and the confederate authorities by flag of truce must cease, however much the loss of its ameliorating influences upon the rigors of what ought to be a civilized warfare is to be regretted; but the responsibility of such determination must be left with those whom you represent.

I have the honor to be, very respectfully, your obedient servant,

BENJAMIN F. BUTLER,
Maj. Gen. Com'dg, and Commissioner of Exchange.

Hon. ROBERT OULD,
Commissioner of Exchange, Richmond, Va.

OFFICE COMMISSIONER OF EXCHANGE,
Fort Monroe, Va., January 13, 1864.

SIR: I am instructed by the President to send forward Henry Warfield, who proposes to effect a special exchange between Brigadier General Trimble and Major White. This, of course, will be independent of all other questions between these governments.

I have the honor to be, very respectfully, &c.,

BENJAMIN F. BUTLER,
Major General, and Commissioner of Exchange.

Hon. ROBERT OULD,
Agent of Exchange, Richmond, Va.

WAR DEPARTMENT, ADJUTANT GENERAL'S OFFICE,
Washington, D. C., January 20, 1864.

SIR: A paper was sent Brigadier General Meredith, commissioner of exchange, on the 9th of December, 1863, for report in relation to the case of Mrs. Henrietta Boate, whose husband, Edward W. Boate, company K, 42d New York volunteers, is a prisoner at Belle Isle, Virginia, and said to be in a dying state.

Your attention is invited to this case to ascertain the latest information respecting this soldier, and to report the same to this department.

I am, sir, very respectfully, your obedient servant,

E. D. TOWNSEND,
Assistant Adjutant General.

Major General B. F. BUTLER,
Commanding Department of Virginia and North Carolina, Fortress Monroe, Virginia.

THE NEWBERRY

OFFICE COMMISSIONER OF EXCHANGE,
Fort Monroe, Va., January 25, 1864

SIR: Will you please give me what information you can concerning the whereabouts of Thomas H. Pendleton, company E, 85th Illinois volunteers, captured at the battle of Chickamauga.

I have the honor to be, very respectfully, your obedient servant,

BENJ. F. BUTLER,
Maj. Gen. Com.. and Com. of Exchange.

Hon. ROBERT OULD,
Agent for Exchange, Richmond, Va.

OFFICE COMMISSIONER OF EXCHANGE,
Fort Monroe, Va., January 25, 1864.

SIR: I have the honor to return the accompanying papers for more definite information as to the whereabouts of the parties inquired for, as the indorsement merely states that they are not in prison in Richmond, which is but a vague reply to send to their surviving and anxious friends. I trust you will endeavor more fully to inform me where these men are, if in the hands of your authorities.

I have the honor to be, very respectfully, your obedient servant,

BENJ. F. BUTLER,
Maj. Gen. Com., and Com. of Exchange.

Hon. ROBERT OULD,
Agent for Exchange, Richmond, Va.

OFFICE COMMISSIONER OF EXCHANGE,
Fort Monroe, Vo., January 25, 1864.

SIR: Will you please give me what information you can concerning the present condition of Nicholas H. Thompson, company A, 13th Ohio regulars, and Calvin W. Hudson, company D, 65th Ohio volunteer infantry, prisoners of war in Richmond.

I have the honor to be, very respectfully, your obedient servant,

BENJ. F. BUTLER,
Maj. Gen. Com., and Com. of Exchange.

Hon. ROBERT OULD,
Agent for Exchange, Richmond, Va.

CONFEDERATE STATES OF AMERICA,
War Department, Richmond, Va., January 27, 1864.

SIR: All of the deliveries at City Point have been mutually declared exchanged up to September 1, 1863. Since that date there have been several deliveries, the number on each side generally corresponding. If there is any excess it is in our deliveries.

On the 1st of February I shall declare all officers and soldiers who have been delivered at City Point at any time to January 1, 1864, exchanged. You can make a similar notice as to those who have been delivered to you.

Respectfully, your obedient servant,

RO. OULD,
Agent for Exchange.

Major General E. A. HITCHCOCK,
Agent for Exchange.

HEADQUARTERS 18TH ARMY CORPS,
DEPARTMENT OF VIRGINIA AND NORTH CAROLINA,
Fort Monroe, January 30, 1864.

SIR: Will your authorities make a special exchange of Lieutenant James M. Halloway, company M, 71st regiment Indiana volunteers, (6th cavalry,) taken near Knoxville, for any lieutenant of like rank which we hold?

If so, send down Halloway and name your man, and he shall be returned.

I have the honor to be, very respectfully, your obedient servant,

BUTLER,
Major General and Commissioner for Exchange.

Hon. ROBERT OULD,
Confederate Commissioner for Exchange.

HEADQUARTERS DEP'T OF VIRGINIA AND NORTH CAROLINA,
Fort Monroe, Va., February 1, 1864.

GENERAL: I have treated the papers that you speak of in your letter of the 23d rather as the debris of the exchange business, which was to be passed through informally. At present I am awaiting an answer to my proposition from Mr. Ould, having had no official answer in regard to matters arising before I took charge. We stand in this way: As commissioner of exchange I send forward such inquiries and formal papers as are necessary, in the course of business. Commissioner Ould has returned answers by formal indorsements.

I thank you for your courtesy, and will only add, that I am endeavoring so to manage this business as to avoid any personal collision; to maintain my personal respect, and the honor of the government.

I don't mean to make difficulties about personal matters. When a difference arises it will be a perfectly distinct one, which will justify me in taking the issue. If you will have the kindness to forward me the papers mentioned in your note, I will see the proper disposition made of them. They were sent to you while I was absent in the course of office business.

I have the honor to be, very respectfully, your obedient servant,

BENJ. F. BUTLER,
Major General Commanding.

Major General HITCHCOCK,
Commissioner of Exchange, Washington, D. C.

HEADQUARTERS DEP'T OF VIRGINIA AND NORTH CAROLINA,
Fort Monroe Va., February 1, 1864.

COLONEL: Will you have sent me, among the first officers forwarded, Ambrose R. Woodruff, second lieutenant of Thomas J. Kilpatrick's company, Nelson's brigade light artillery, Ewell's corps, of northern Virginia?

I want him for special exchange.

I have the honor to be, very respectfully, your obedient servant,

BENJ. F. BUTLER,
Major General Commanding.

Colonel C. W. HOFFMAN,
Commissary General of Prisoners, Washington, D. C.

HEADQUARTERS 18TH ARMY CORPS,
DEPARTMENT OF VIRGINIA AND NORTH CAROLINA,
Fort Monroe, February 2, 1864.

SIR: In obedience to your telegram I enclose the "correspondence between the United States authorities and the rebel authorities on the exchange of prisoners and the different propositions connected with that subject," so far as they have come from my office.

My reports and letters of instruction you have in the office at Washington.

I have the honor to be, very respectfully,

BENJ. F. BUTLER,
Major General Commanding.

Hon. E. M. STANTON,
Secretary of War.

Major General Butler to Robert Ould, December 7, 1863.
Major General Butler to Robert Ould, December 25, 1863.
Major General Hitchcock to Major General Butler, December 17, 1863.
Major General Butler to Robert Ould, December 25, 1863.
Major General Butler to Robert Ould, December 25, 1863.
Robert Ould to Major Mulford, December 27, 1863.
Robert Ould to Major General Hitchcock, December 27, 1863.
Major General Butler to Robert Ould, January 12, 1864.
Major General Butler to Robert Ould, December 25, 1863.
Major General Butler to Robert Ould, December 25, 1863.
Major General Butler to Robert Ould, January 12, 1864.
Major General Butler to Robert Ould, January 12, 1864.
Major General Butler to Robert Ould, January 12, 1864.
Major General Butler to Robert Ould, January 12, 1864.
Robert Ould to Major General Butler, December 9, 1863.

OFFICE COMMISSARY GENERAL OF PRISONERS,
Washington, D. C., February 2, 1864.

COLONEL: By direction of his excellency the President, you will please forward Lieutenant T. J. Hall, adjutant 37th Virginia cavalry, a prisoner of war at Fort McHenry, to Fort Monroe, where he will be delivered to Major General Butler, commissioner for exchange. Mr. J. W. Mountfort, military agent for Indiana, will take charge of Lieutenant Hall.

Very respectfully, your obedient servant,

W. HOFFMAN,
Colonel 3d Infantry, Com. Gen. of Prisoners.

Colonel P. A. PORTER,
Commanding Fort McHenry, Baltimore, Md.

HEADQ'RS DEP'T VA. AND N. C., OFFICE COMM'R FOR EXCHANGE,
Fort Monroe, Va. February 2, 1864.

SIR: The commanding general directs me to request that you will inform him on what grounds Surgeon Wright, of the rebel army, is detained in prison at St. Louis.

I am, sir, very respectfully, your obedient servant,

A. F. PUFFER,
Captain and Aide-de-Camp.

Colonel W. HOFFMAN,
Commissary General of Prisoners, Washington, D. C.

[Indorsement.]

OFFICE COMMISSARY GENERAL OF PRISONERS,
Washington, February 9, 1864.

Respectfully returned to Major General B. F. Butler, commissioner for exchange. W. S. Wright, surgeon Mitchell's regiment, was captured in St. Louis county, Missouri, February 11, 1863; was transferred from St. Louis to Alton June 6, 1863; sentenced to be shot to death at such time and place as the major general commanding department of the Missouri may direct. General Order 39, department of the Missouri.

W. HOFFMAN,
Colonel 3d Infantry, Com. Gen. of Prisoners.

HEADQUARTERS DEP'T OF VIRGINIA AND NORTH CAROLINA,
Fortress Monroe, Va., February 3, 1864.

COLONEL: Please have Oliver J. Baum, a prisoner at Fort Delaware, who claims to be a deserter from the southern army, sent to me.

I have the honor to be, very respectfully, your obedient servant,

BENJ. F. BUTLER,
Major General Commanding.

Colonel HOFFMAN,
Commissary General of Prisoners.

HEADQUARTERS DEPARTMENT VIRGINIA AND NORTH CAROLINA,
Fort Monroe, Va, February 4, 1864.

SIR: I have already forwarded a captain in exchange for Captain William H. Irving, so that everybody delivered to us prior to the 20th of January has been duly exchanged, and there is no reason why the declaration should not be made. Please answer what are the objections to the declarations of exchange.

I have the honor to be, very respectfully, your obedient servant,

BENJAMIN F. BUTLER,
Major General Commanding.

Major General E. A. HITCHCOCK,
Commissioner of Exchange.

OFFICE COMMISSIONER FOR EXCHANGE,
Fort Monroe, Va., February 4, 1864.

SIR: I have the honor to inform you that the proposal to exchange Colonel Powell for Colonel Lee is accepted, and the latter has been ordered from Johnson's island and will be reported to you as soon as possible. He will be delivered at City Point for Colonel Powell, who is already here.

I have the honor to be, very respectfully, &c.,

BENJ. F. BUTLER,
Major General and Comm'r for Exchange.

Hon. ROBERT OULD,
Agent for Exchange, Richmond, Va.

OFFICE COMMISSIONER FOR EXCHANGE,
Fort Monroe, Va., February 4, 1864.

SIR: I have the honor to request that you will exchange Mr. H. Cowdry, a citizen prisoner at Castle Thunder, for one of the four citizen prisoners which I send by flag of truce.

I have the honor to be, very respectfully, your obedient servant,
BENJ. F. BUTLER,
Maj. Gen. Com'dg and Comm'r for Exchange.

Hon. ROBERT OULD,
Agent for Exchange, Richmond, Va.

OFFICE COMMISSIONER FOR EXCHANGE,
Fort Monroe, Va., February 4, 1864.

SIR: Charles Kirk is held as a prisoner at McLean barracks, Cincinnati, and may be offered in exchange for any newspaper reporter held as a prisoner by your authorities. It has been intimated that he may be received for Solomon Buckley, a correspondent of the New York Herald.

I have the honor to be, very respectfully, &c.,
BENJ. F. BUTLER,
Major General and Comm'r for Exchange.

Hon. ROBERT OULD,
Agent for Exchange, Richmond, Va.

OFFICE COMMISSIONER FOR EXCHANGE,
Fort Monroe, Va., February 4, 1864.

SIR: Will you please give me what information you can concerning the whereabouts and present condition of private Peter Conway, 1st Virginia regiment, captured September 11, 1863.

I have the honor to be, very respectfully, your obedient servant,
BENJ. F. BUTLER,
Major General and Comm'r for Exchange.

Hon. ROBERT OULD,
Agent for Exchange, Richmond, Va.

OFFICE COMMISSIONER FOR EXCHANGE,
Fort Monroe, Va., February 4, 1864.

SIR: Will you please inform me if the body of Charles Sanders, company I, 9th Indiana regiment, who died at Belle island, can be recovered.

I have the honor to be, very respectfully, your obedient servant,
BENJ. F. BUTLER,
Major General and Comm'r for Exchange.

Hon. ROBERT OULD,
Agent for Exchange, Richmond, Va.

OFFICE COMMISSIONER FOR EXCHANGE,
Fort Monroe, Va., February 4, 1864.

SIR: Will you please inform me as to the whereabouts and condition of Edward H. Kitel, company C, 5th New York cavalry.

I have the honor to be, very respectfully, your obedient servant,
BENJ. F. BUTLER,
Major General and Comm'r for Exchange.

Hon. ROBERT OULD,
Agent for Exchange, Richmond, Va.

HEADQUARTERS DEP'T OF VIRGINIA AND NORTH CAROLNIA,
Fort Monroe, Va., February 4, 1864.

SIR: David Wood, esq., comes to me with an open letter to General Lee, and claims that he has some private and personal business with the general.

I have taken his parole not to make any disclosure that will be injurious to the United States, and have permitted him to go to City Point.

I believe Mr. Wood to be loyal to the United States, but I have no acquaintance with him; you can let him go forward or not. I have no interest in the matter.

I have the honor to be, very respectfully, your obedient servant,
BENJ. F. BUTLER,
Major General and Comm'r for Exchange.

Hon. ROBERT OULD,
Confederate Commissioner for Exchange.

OFFICE COMMISSIONER FOR EXCHANGE,
Fort Monroe, Va., February 4, 1864.

SIR: I have the honor to call your attention to the case of Thomas Hill, a citizen of the United States. He was living in West Union, Doddridge county, West Virginia, and was captured April 30, 1863, while building bridges for government use by order of General Roberts. He has been offered frequent paroles of Richmond by the confederate authorities, but has refused them. He will accept no protection but that of the United States government; he is now liable to conscription by the confederate government, and is not a subject for exchange.

This government is willing to exchange a confederate citizen for him; if you should not accede to these terms, why should we not imprison a confederate citizen as hostage for him?

I have the honor to be, very respectfully, your obedient servant,
BENJ. F. BUTLER,
Major General and Comm'r for Exchange.

Hon. ROBERT OULD,
Agent for Exchange, Richmond, Va.

HEADQUARTERS, DEP'T OF VIRGINIA AND NORTH CAROLINA,
Fort Monroe, Va., February 4, 1864.

SIR: I send Mr. Thomas Ritchie, a surgeon captured at Brandon, and his two overseers.

I do not ask any exchange for Mr. Ritchie, because I think he comes fairly within the spirit that surgeons shall be exchanged.

For the two citizens, overseers, who go with him, I desire that you would send me some citizens whom you hold of ours.

I have the honor to be, very respectfully, &c.
BENJ. F. BUTLER,
Major General and Comm'r for Exchange.

Hon. ROBERT OULD,
Confederate Commissioner for Exchange.

OFFICE COMMISSIONER FOR EXCHANGE,
Fort Monroe, Va., February 4, 1864.

SIR: I have the honor to request that you will give permission to Mrs. G. W Latham, of Lynchburg, Va., to come north by flag of truce.

I have the honor to be, very respectfully, your obedient servant,

BENJ. F. BUTLER,
Major General and Comm'r for Exchange.

Hon. ROBERT OULD,
Agent for Exchange, Richmond, Va.

OFFICE COMMISSIONER OF EXCHANGE,
Fort Monroe, Va., February 4, 1864.

SIR: Will your authorities consent to the exchange of Lieutenant J. G. Doughty, of the federal army?

This government is willing to give any confederate officer of equal rank in exchange for him.

I have the honor to be, very respectfully, your obedient servant,

BENJ. F. BUTLER,
Major General and Com'r for Exchange.

Hon. ROBERT OULD,
Agent for Exchange, Richmond, Va.

OFFICE OF COMMISSARY GENERAL OF PRISONERS,
Washington, D. C., February 5, 1864.

GENERAL: I have the honor to acknowledge the receipt of your letter of the 1st instant, enclosing a letter addressed to a rebel prisoner and inquiring as to the whereabouts of private Anderson.

The letter will be forwarded to its address, as required, but I will not be able to answer the inquiry in relation to private Patterson unless I am informed whether he is a federal or rebel soldier, and his company and regiment be given, with time and place of capture.

Very respectfully, your obedient servant,

W. HOFFMAN,
Colonel 3d Infantry, Com. Gen. of Prisoners.

Major General B. F. BUTLER.

OFFICE COMMISSIONER FOR EXCHANGE,
Fort Monroe, Va., February 5, 1864.

SIR: You will please inform me whether Lieutenant W. R. Neff, fourth Ohio volunteers, who was wounded in the head on the 20th September, 1863, at the battle of Chickamauga, is still living and a prisoner. If he died, what disposition was made of his body?

I have the honor to be, very respectfully, your obedient servant,

BENJ. F. BUTLER,
Major General and Com'r for Exchange.

Hon. ROBERT OULD,
Agent for Exchange, Richmond, Va.

OFFICE COMMISSIONER FOR EXCHANGE,
Fort Monroe, Va, February 7, 1864.

SIR: Will you please inform me if the remains of Major George W. Staugh can be recovered. He was wounded and taken prisoner at the battle of Chickamauga, and died in Libby prison.

I have the honor to be, very respectfully, your obedient servant,
BENJ. F. BUTLER,
Major General and Com'r for Exchange.

Hon. ROBERT OULD,
Agent for Exchange, Richmond, Va.

OFFICE COMMISSIONER FOR EXCHANGE,
Fort Monroe, Va., February 7, 1864.

SIR: I have the honor to call your attention to the fact that Surgeon J. F. Galloupe, seventeenth Massachusetts volunteers, and Assistant Surgeon R. T. Baker, twelfth New York cavalry, were captured at Newbern, N. C., on the 1st instant, and are now in the hands of your authorities.

I have therefore to request that you will cause these officers to be sent here by the next flag of truce.

I have the honor to be, very respectfully, your obedient servant,
BENJ. F. BUTLER,
Major General and Com'r for Exchange.

Hon. ROBERT OULD,
Agent for Exchange, Richmond, Va.

OFFICE COMMISSIONER FOR EXCHANGE,
Fort Monroe, Va., February 7, 1864.

SIR: Will your authorities make a special exchange of Lieutenant Greenleaf Cilley, fourth Ohio volunteers, a prisoner of war at Libby prison?

This government is willing to give any officer of equal rank in the confederate service for him.

I have the honor to be, very respectfully, your obedient servant,
BENJ. F. BUTLER,
Major General and Com'r for Exchange.

Hon. ROBERT OULD,
Agent for Exchange, Richmond, Va.

OFFICE COMMISSIONER FOR EXCHANGE,
Fort Monroe, Va., February 9, 1864.

SIR: I have the honor to request that you will ask your authorities to make the following exchanges:

Henry Bowers, a citizen of Walker county, Georgia, for I. F. Early, a citizen of Hamilton county, Tennessee.

Halburt Cole, a citizen of Walker county, Georgia, for J. J. Garner, a citizen of Winchester, Tennessee.

Warren Durham, of Walker county, Georgia, for Isaac Sermons, a citizen of Hamilton, Tennessee.

I have the honor to be, very respectfully, your obedient servant,
BENJ. F. BUTLER,
Major General and Com'r for Exchange.

Hon. ROBERT OULD,
Agent for Exchange, Richmond, Va.

OFFICE OF COMMISSARY GENERAL OF PRISONERS,
Washington, D. C., February 11, 1864.

GENERAL: I have the honor to acknowledge the receipt of your letter of the 8th instant, giving particulars to identify R. Patterson, a rebel prisoner.

There was a mistake in my letter of the 5th instant in writing Patterson instead of Anderson in the second paragraph. I knew the address of the former, and forwarded the letter to him, but I was unable to give the whereabouts of Anderson without having the details of his place of capture.

Very respectfully, your obedient servant,

W. HOFFMAN,
Col. 3d Infantry, Com. General of Prisoners.

Major General B. F. BUTLER,
Commissioner for Exchange, Fort Monroe, Va.

OFFICE OF COMMISSIONER FOR EXCHANGE,
Fort Monroe, Va., February 12, 1864.

SIR: Will your authorities make a special exchange of Captain Ralph Olmstead Ives, 10th Massachusetts regiment, captured at Warrenton, Virginia, September 3, 1863, and now a prisoner at Salisbury, North Carolina?

This government is willing to give any confederate officer of equal rank in exchange for Captain Ives.

I have the honor to be, very respectfully, &c.,

BENJ. F. BUTLER,
Major General and Com'r for Exchange.

Hon. ROBERT OULD,
Agent for Exchange, Richmond, Va.

OFFICE OF COMMISSIONER FOR EXCHANGE,
Fort Monroe, Va., February 12, 1864.

SIR: Will your authorities make a special exchange of Lieutenant E. Charles Parker, 94th New York volunteers, captured at the battle of Gettysburg?

This government is willing to give any officer of equal rank in exchange for him.

I have the honor to be, very respectfully, your obedient servant,

BENJ. F. BUTLER,
Major General and Com'r for Exchange

Hon. ROBERT OULD,
Agent for Exchange, Richmond, Va.

OFFICE OF COMMISSARY GENERAL OF PRISONERS,
Washington, D. C., February 15, 1864.

GENERAL: By authority of the Secretary of War I have instructed the commanders of the various stations where prisoners of war are held to permit no article of food to be delivered to them. The government furnishes them with an abundance to eat, and the delivery of boxes of eatables from their friends is attended with much inconvenience to commanders, creates dissatisfaction among those who receive nothing, and gives opportunity for sympathizers to show their interest in rebels.

Clothing is limited to specified articles, which can be furnished only by near relatives.

To-day I have received from General Marston a copy of a letter, addressed to Mrs. Mary R. Phinter, of Baltimore, by Colonel Shaffer, chief of staff, in which, by order, he informs her that he has no objection to small boxes of provisions being received at Point Lookout; and I would respectfully inquire whether the system indicated in Colonel Shaffer's letter will be authorized, or shall the regulations now in force continue to be observed?

I have to-day ordered private Alvin J. Banen, company I, 32d Virginia, to be sent to Fort Monroe to report to you.

I am, general, very respectfully, your obedient servant,

W. HOFFMAN,

Col. 3d Infantry, Com. General of Prisoners.

Major General B. F. BUTLER,

Commissioner for Exchange, Fort Monroe, Va.

OFFICE COMMISSIONER FOR EXCHANGE,

Fort Monroe, Va., February 15, 1864.

SIR: It has been reported to me that Captain Edward E. Chase, 1st Rhode Island cavalry, who was captured in Virginia about eight months since, and until lately confined in Libby prison, has been sent along with the other commissioned officers, by order of your authorities, to Salisbury, North Carolina, and sentenced to hard labor in the penitentiary at that place, in retaliation (it is said) for the treatment of three confederate officers in Missouri.

I have therefore to request that you will at once inform me if such is the case; and if it should prove true, that you will take the necessary steps to have the officer relieved from such indignities, as there are no confederate officers in our hands subjected to similar treatment.

I have the honor to be, very respectfully, your obedient servant,

BENJ. F. BUTLER,

Major General and Com'r for Exchange.

Hon. ROBERT OULD,

Agent for Exchange, Richmond, Va.

HEADQUARTERS DEP'T VIRGINIA AND NORTH CAROLINA,

Fort Monroe, Va., February 16, 1864.

SIR: Private William J. Boyle, 1st regiment New York mounted rifles, was tried and convicted for murder of the acting provost marshal in October last. For humane motives the sentence was not executed. He made his escape by colluding with a sentinel about the 5th instant, and, as we learn from the papers, has reached Richmond. As this man is a murderer, duly convicted, it is believed the confederate authorities will not desire to retain him, as a murderer is defined to be an enemy to all mankind.

I am willing to offer to give you any private soldier we hold of yours in exchange for Boyle.

I enclose General Orders No. 37, containing the record of Boyle's trial and conviction.

I have the honor to be, very respectfully, your obedient servant,

BENJ. F. BUTLER,

Maj. Gen. U. S. Vols., Commissioner for Exchange.

Hon. ROBERT OULD,

Commissioner for Exchange, Richmond, Va.

HEADQUARTERS 18TH ARMY CORPS, DEP'T OF VA. AND N. C.
Fortress Monroe, February 19, 1864.

SIR: Upon the matter of the declaration of exchange of prisoners I have the honor to report that, following what I believed to be the ordinary routine of the business of exchange, and in order that the equivalent of our men might be put into the field to meet those received from us by the confederates, I made the declaration of exchange.

It is in *ipsissimis verbis*, so far as applicable with the other declarations of exchange heretofore made, copies of some of which I hereunto annex in proof of this assertion.

This declaration, it will be observed, only affects those men actually delivered at City Point.

The confederate commissioner, acting, as I believe, under the exact provisions of the cartel, has declared exchanged those who have been delivered to him up to the 1st of January, as will appear by the paper hereto annexed.

I could and can see no reason why we should not declare those so delivered exchanged.

I am unable to see any hidden secret or malign influence that it can have upon any pending questions. I am unable to find a single good reason against it. I find it exceedingly difficult to argue a question when there seems to be but one side. When, in my former note to the honorable Secretary of War, I spoke of seven hundred and fifty men, I spoke of the number of individuals, and not of the number reduced to privates; and the letter of Major General Hitchcock, which would seem to contravene that number, is not too ingenuous. The objections made in that letter, that the declaration would have admitted defence if you had extended it to a number precisely corresponding to the number delivered by yourself, according to the 5th article of the cartel, supposing that instrument operative, is exactly met by the case in hand, because since the last declaration of exchange only special exchanges have been made by delivery at City Point of man for man, equivalent for equivalent, so that where the declaration of exchange states that all who have been delivered at City Point up to a given time since the last declaration of exchange, it is saying the precise number which have been exchanged.

To the statement in the letter of General Hitchcock, that "the declaration should have set out the grounds of it," I answer, the universal practice of the office has been not to do so, and this would seem to be a higher criticism on his part, because I made the declaration and not himself, as it is made precisely as he makes such declarations.

Again, it is said that a proper list should have been furnished of those declared to be exchanged for announcement from the Adjutant General's office for the information of all concerned, and Mr. Ould should have been furnished a list of those delivered to him.

To that I answer that such list has not been announced heretofore, and such has not been the practice. (See General Orders No. 134, series 1862; and Nos. 10, 117, and 167, series 1863.) And as to the delivery of a list to Mr. Ould, I answer that it has been done, and no man has been delivered to him without a list, and he knows who has been delivered to him without my telling him a second time, and he makes no objection on that account.

As to making the announcement by a list for the information of all concerned, if that means the officers and men who would be returned to duty because of the declaration of exchange, each one of those will be likely to remember what time he escaped from Libby prison and Belle island; each one of those will know whether he was delivered at City Point, and when. Therefore the announcement of the day prior to which all who had been delivered were exchanged is sufficient.

I pray the Secretary to examine, as covering this whole matter, my declaration of exchange, and the copies of the General Orders heretofore annexed.

I have the honor to be, very respectfully, your obedient servant,

BENJ. F. BUTLER,
Major General Commanding.

Hon. E. M STANTON, *Secretary of War.*

Six enclosures.
See General Orders No. 134, series 1862.
See General Orders Nos. 10, 117, and 167, series 1863.

HEADQUARTERS DEP'T OF VIRGINIA AND NORTH CAROLINA.
Fort Monroe, Va., February 20, 1864.

COLONEL: Your letter of the 15th instant, in regard to furnishing boxes of eatables and clothing to prisoners, is received. In the course of negotiations for the supplying of comforts to our prisoners, this state of facts has been obtained:

1st. That the rebel authorities receive all provisions, from whatever source, sent to the prisoners. Then, because of accusations of the late commissioner of exchange, General Meredith, published in the newspapers, that the provisions were embezzled for sustenance for General Lee's army, they refused to receive any boxes either from our government or from State governments. Then, because the Sanitary Commission and various benevolent individuals indulged their patriotism by labelling their boxes, "To our starving soldiers in Richmond," "To our brave defenders in Libby Prison," the rebel authorities refused to receive all boxes sent to our prisoners. At my intercession, however, Mr. Ould, the confederate commissioner, agreed to receive boxes from private sources, *i. e.*, from the friends and families of our prisoners. But after the five hundred prisoners were exchanged from Point Lookout, and reports that by your order boxes of provisions and clothing were not delivered to confederate prisoners there, Mr. Ould refused, owing to a cry arising in the newspapers at Richmond that he was furnishing our prisoners with their boxes, while the confederate prisoners were deprived of their boxes, to permit any boxes to be sent to our men under his charge, unless I would assure him that the confederate prisoners under my charge received their boxes; and as I had long since been taught the rule, "Do as you would be done by," this seemed to me eminently just; and I therefore gave an order to General Marston that the boxes containing nothing contraband or hurtful sent from private sources might be delivered to the prisoners, and informed Mr. Ould, by the last flag-of-truce boat, of that fact, and received his assurance, through the assistant agent of exchange, that the boxes sent by the friends of our prisoners should be delivered to them.

I agree fully that the delivery of packages to prisoners causes the commanders of camps a great deal of trouble. The question certainly gives me a great deal; but I undergo that trouble very cheerfully, and would if it were twice as much, in order that our prisoners may get even smaller alleviations for their sufferings than those which they receive from their friends. I have conversed with many of our prisoners on this subject, and they say that the boxes received from their friends have been almost a source of support to them, and they were complaining loudly of the confederate government because that source of supply had of late been substantially cut off.

The last number of prisoners that escaped left on Monday, and the assurance that Mr. Ould sent me was given on the same day, and they had not heard of

the resumption of the delivery of packages; but I have no doubt it has been resumed. I agree with you fully that the rebel prisoners in our hands are abundantly supplied, but I suppose that when you and I were at school, abundantly fed, our teachers at that time hardly thought it an imputation upon their feeding because we received boxes of sweetmeats and cakes from home. Pardon me, but I look upon this matter, so far as the rebel prisoners are concerned, pretty much in the same light. But with our soldiers in their hands, it is a matter, as I am instructed, of almost entire subsistence.

In the mean time, therefore, I desire to have, and shall have, the delivery of packages made in accordance with the views herein contained, unless specially directed to the contrary by the Secretary of War; for I cannot ask the confederate commissioner to deliver boxes to our prisoners from their friends, while I refuse to deliver boxes from their friends to their prisoners. Whenever the time comes for our government to retaliate upon these men for the wrongs done to our prisoners, I assure you it shall be done in a much more explicit and telling manner than by withholding boxes and provisions from their prisoners sent them by their friends. In the mean time I do not permit anything to come from the confederate government, or from State governments of the confederacy, for the support of their prisoners; for that would be an implied admission that we were not supporting them sufficiently. And therefore when Governor Vance, of North Carolina, forwarded, through Commissioner Ould, a draft for nine thousand dollars, in favor of the governor of New York, to be by the governor of New York expended for the benefit of North Carolina prisoners in our hands, I retained such draft, and still do retain it, and have notified Mr. Ould unofficially, and shall hereafter inform him officially, if such relations ever exist between us, that the United States does not select the governor of any State to take care of its prisoners of war, or allow any one else to so select any one of them, however much they may respect such officers in their appropriate sphere; and that if Governor Vance, or the governor of any other State, desires to have money expended for the benefit of prisoners, if the same privilege is given ours, we shall have no objections to such expenditures, provided it is done through the agents of the United States government, and not through any correspondence between the governors of States.

I would also call your attention to what I think will be necessary to be done further in this direction, to wit: that the confederate prisoners be allowed to purchase such things as they may desire to wear, eat, or drink, (intoxicating liquors alone excepted,) with their own money or that furnished them by their friends. And I would like to have your views upon this subject.

I also desire to ask your attention to these views because, if they influence your judgment as they have mine, I trust we shall make a uniform order to all the prisoners held by us, that they shall be allowed to receive boxes from their friends, and buy with their own money a reasonable amount of things which they may need.

Awaiting an interchange of views, I am, very respectfully, your obedient servant,

BENJ. F. BUTLER,
Major General and Com'r for Exchange.

Colonel W. HOFFMAN,
Com. General of Prisoners, Washington, D C.

OFFICE COMMISSIONER FOR EXCHANGE,
Fort Monroe, Va., February 24, 1864,

SIR: Will you please inform me as to the whereabouts and present condition of Captain Frederick B. Daton, Company F, 14th Connecticut volunteers. He was captured on the 6th instant, in Sedgwick's advance over the Rapidan.

I have the honor to be, very respectfully, your obedient servant,

BENJ. F. BUTLER,
Major General and Com'r for Exchange.

Hon. ROBERT OULD,
Agent for Exchange, Richmond, Va.

OFFICE COMMISSIONER FOR EXCHANGE,
Fort Monroe, Va., February 24, 1864.

SIR: I beg leave to enclose a letter from the father of Captain Waller, who has been supposed by the confederate authorities to be confined in the State prison, and for whom Captain Ives has been ordered to solitary confinement in irons as a hostage; you will see that the whole matter is a mistake, to which I beg to call your attention.

Please inform me whether the irons have been removed from Ives and his associate.

Will you, under the circumstances, exchange Ives for Waller?

I have the honor to be, very respectfully, your obedient servant,

BENJ. F. BUTLER,
Major General and Com'r for Exchange.

Hon. ROBERT OULD,
Commissioner for Exchange, Richmond, Va.

OFFICE OF COMMISSARY GENERAL OF PRISONERS,
Washington, February 25, 1864.

GENERAL: I have the honor to inform you that instructions have been given to the commanding general, harbor of New York, to forward to you General W. H. F. Lee and Captain R. H. Tyler, of the rebel army, prisoners of war at Fort Lafayette.

I am directed by the Secretary of War to say, that in making the exchange of these two officers, and a third one to be selected by yourself for General Neal Dow, Captain Sawyer and Captain Flynn, of the federal army, now prisoners of war in Richmond, you will please bear in mind that it is authorized only with the understanding that both Captains Flynn and Sawyer are to be exchanged. Without this the exchange will not be made.

Very respectfully, your obedient servant,

W. HOFFMAN,
Colonel 3d Infantry, Commissary General of Prisoners.

Major General B. F. BUTLER,
Commissioner for Exchange, Fort Monroe, Va.

OFFICE OF COMMISSARY GENERAL OF PRISONERS,
Washington, D. C., February 29, 1864.

GENERAL: By direction of the Secretary of War, Captain C. C. Morgan, aide-de-camp, a rebel prisoner in the penitentiary at Columbus, Ohio, has been

ordered to be forwarded to you at Fort Monroe, and I am instructed by the Secretary of War to say that he will be delivered at City Point and exchanged for Captain A. H. Stanton, 16th infantry, now on parole in New York.

Very respectfully, your obedient servant,

W. HOFFMAN,
Colonel 3d Infantry, Commissary General of Prisoners.

Major General B. F. BUTLER,
Commissioner for Exchange, Fort Monroe, Va.

HEADQUARTERS DEP'T OF VIRGINIA AND NORTH CAROLINA,
Fort Monroe, Va., March 1, 1864.

SIR: S. P. Bailey, William Smith, Benjamin Bridges, James K. Skenker, A. J. Riddler, John W. Pugh, Granville J. Kelley, James A. Hunter, E. J. Smith, A. Nichols, Edward A. Freeman, Henry Shackleford, James Harrison, and George N. Davis, now paroled for exchange, in Richmond, may remain, although the time of their parole has expired, and you may furnish such equivalent for them as you may deem proper.

I have the honor to be, very respectfully, your obedient servant,

BENJ. F. BUTLER,
Major General and Com'r for Exchange.

Hon. ROBERT OULD,
Commissioner for Exchange.

HEADQUARTERS DEP'T VIRGINIA AND NORTH CAROLINA,
Office Com. for Exchange, Fort Monroe, Va, March 3, 1864.

SIR: I enclose you copies of correspondence, so far as received, between General Peck and General Pickett, and instructions to General Peck from myself, in regard to the execution of certain men in North Carolina enlisted in the United States service.

I desire to ask your especial attention to the threat of General Pickett that he will hang two men for any retaliation that may be made by General Peck for the murder of men in the United States army. If that threat had been made in answer to a claim that deserters from an army situated as is yours were not liable to be executed upon capture if found in arms in our ranks, it might have been possibly justified under the laws of war; but even then the question of the right of executing such persons is still worthy of careful consideration and discussion. True, General Pickett having deserted his own flag and the army of the United States on the 25th of June, 1861, would probably know what should be the fate of a deserter found in arms against his government; but the question will be, whether he would be permitted to allow his own personal feelings to prevail in a matter of so grave importance to his brother officers and soldiers now in our hands.

I beg you, however, to observe that this threat was in answer to a claim that a negro soldier enlisted in the army of the United States, and under the protection of its government, should not be wantonly murdered simply because that, while in the field and in the course of military operations, he, in pursuance of his duties as a soldier, shot a colonel of the confederate army while he was

building a pontoon bridge—a meritorious act on the part of the soldier, and one because of which, under no rule of civilized warfare, should a hair of his head be injured.

Now, therefore, as I cannot hang any sufficient number of General Pickett's friends or relations which would be in the nature of a personal retaliation, and which ought not to be thought of by the generals of two armies in the field, if I proceed to retaliation it must be upon the soldiers and officers of the confederate army that I have in my hands, as I shall most assuredly feel it my duty to do unless some period is put to such acts and such threats.

It therefore becomes my duty, as commanding general of this department, to call upon the confederate authorities to know if such acts and that threat are sanctioned and authorized by them. I will patiently wait for a sufficient time to elapse in which I can be made acquainted with the course which the confederate authorities choose to take upon this subject, and then will proceed to such action as I may be advised is proper to sustain the dignity, power, and justice of the government which I represent.

To avoid all misconception upon so grave a subject, involving so much responsibility, I desire to say that until full explanation is had with the confederate authorities, I should not deem it my duty to execute prisoners of war in retaliation for the execution of deserters from the confederate army should they be found with arms in their hands, because the question should be made the subject of discussion between the two belligerents. But the question which I desire to submit for authoritative decision on the part of those you represent is, whether a soldier of the United States who is duly enlisted and has not deserted from your army, and who has committed no act which could be construed as crime—save acts of hostility in the field against the confederate armies, whatever may be the color or complexion of that soldier—is to be regarded and treated by your authorities as a prisoner of war, and, as such, entitled to the rights and immunities of such condition.

The most obvious considerations of humanity and mercy will impress, more strongly than anything I could say might do, the immediate necessity of placing this matter before your authorities; and I take this method of communication through yourself, as the most proper channel through which to discuss questions relating to prisoners of war.

I have the honor to be, very respectfully, your obedient servant,

BENJ. F. BUTLER,
Major General and Com'r for Exchange.

Hon. ROBT. OULD,
Confederate Commissioner for Exchange, Richmond, Va.

[Enclosures.]

General Peck's letter to General Pickett, of February 11, enclosing General Order No. 252, War Department; General Peck's letter to General Pickett, of February 13, demanding prisoner-of-war treatment for North Carolina soldiers; General Pickett's letter to General Peck, of February 16, denying that Colonel Shaw was killed by a negro, but threatening execution in such case; General Pickett's letter to General Peck, of February 17, enclosing names of twenty-two North Carolina soldiers executed; General Pickett's letter to General Peck, of February 27; General Butler's letter to General Peck, of February 17, ordering flag of truce to inform General Pickett that retaliation shall be enforced, but doubting the intention of General Pickett to execute the North Carolina soldiers.

HEADQUARTERS DEP'T OF VIRGINIA AND NORTH CAROLINA,
Office Com. for Exchange, Fort Monroe, Va., March 3, 1864.

SIR: I enclose a letter addressed to John, Hilton who is supposed to be a prisoner in the hands of your authorities, and respectfully request that you will endeavor to have it delivered to him. He was on board the United States gunboat Tahorne, and was wounded and captured near the town of Tampa, October 16, 1863.

Will you please inform me as to his whereabouts and present condition.

I have the honor to be, very respectfully, your obedient servant,

BENJ. F. BUTLER,
Major General and Com'r for Exchange.

Hon. ROBERT OULD,
Agent for Exchange, Richmond, Va.

HEADQUARTERS DEP'T VIRGINIA AND NORTH CAROLINA,
Office Com. for Exchange, Fort Monroe, Va., March 3, 1864.

SIR: Will your authorities make a special exchange of Lieutenant Yeatman Bickham, 19th United States infantry, a prisoner in Libby prison, for Captain N. C. McLean, of the confederate army, prisoner at Johnson's island?

I have the honor to be, very respectfully, your obedient servant,

BENJ F. BUTLER,
Major General and Com. for Exchange.

Hon. ROBERT OULD,
Agent for Exchange, Richmond, Va.

HEADQUARTERS DEP'T OF VIRGINIA AND NORTH CAROLINA,
Office Com. for Exchange, Fort Monroe, Va., March 3, 1864.

SIR: Will you please inform me whether S. B. Ellis, third assistant engineer, late of the Underwriter, was wounded at the time he was taken prisoner; and if not, of his whereabouts and present condition.

I have the honor to be, very respectfully, your obedient servant,

BENJ. F. BUTLER,
Major General and Com. for Exchange.

Hon. ROBERT OULD,
Agent for Exchange, Richmond, Va.

HEADQUARTERS DEP'T VIRGINIA AND NORTH CAROLINA,
Office Com. for Exchange, Fort Monroe, Va., March 3, 1864.

SIR: Will you please inform me as to the whereabouts and present condition of Martin L. Nutt, 3d brigade, ambulance corps; Warren B. Persons, company D, 64th regiment New York volunteers; Andrew Barmister, company D, 64th regiment New York volunteers; John B. McRoberts, captain, 3d Ohio volunteers; James A. Crawford, private, company B, 105th Ohio volunteers; Nathaniel M. Parsons, on gunboat Underwriter; John Harris, lieutenant, 3d Pennsylvania artillery; Jeremiah B. Towson, private, 3d Pennsylvania artillery; Hiram Vennum, private, company E, 2d Massachusetts cavalry; John R. Johnston, private, company E, 2d Ohio volunteers; Frederick A. Rew, jr., private, company A,

24th Wisconsin volunteers; Philo T. Washburne, 19th Maine volunteers; George W. Brown, company M, 16th Illinois cavalry; Duncan V. McStewart, lieutenant; and Francis B. Cary, 141st Pennsylvania volunteers.

I have the honor to be, very respectfully, your obedient servant,

BENJ. F. BUTLER,
Major General and Com. for Exchange.

Hon. ROBERT OULD,
Agent for Exchange, Richmond, Va.

HEADQUARTERS DEP'T OF VIRGINIA AND NORTH CAROLINA,
Fort Monroe, Va., March 4, 1864.

COLONEL: In answer to your telegram of this morning, which I sent by mail, as the telegraph at present works no faster, the cable being broken, I send you the list of exchanges following:

Major A. B. Wade, 73d Indiana, for Major J. S. Joholston, 10th Georgia; Lieutenant Doughty, 53d Indiana, for Lieutenant A. R. Woodruff, Nelson's battery; Colonel D. F. Dulaney, 5th Virginia, for Colonel J. Howard Smith, 5th Kentucky cavalry.

Can there be any possible objection to my declaration of exchange? All the equivalents are serving in the confederate army against us, while we cannot make the declaration. Please also send to Point Lookout all the prisoners at Fort Delaware. We are amply able to take care of them, whether officers or soldiers.

I have the honor to be, very respectfully, your obedient servant,

BENJ. F. BUTLER,
Major General Commanding.

Colonel W. HOFFMAN,
Commissary General of Prisoners, Washington, D. C.

HEADQUARTERS DEPARTMENT OF VIRGINIA AND N. CALOLINA.
Office Com. for Exchange, Fort Monroe, Va., March 4, 1864.

SIR: In reply to your communication of February 17, informing me that the Secretary of War authorizes the exchange of Captain A. W. Metcalf, 14th New York cavalry, for Captain George V. Moody, a rebel officer at Camp Chase, Ohio, I have to inform you that Captain Metcalf has been exchanged for Captain Stanley, of North Carolina.

I am, sir, very respectfully, your obedient servant,

BENJ. F. BUTLER,
Major General and Comm'r for Exchange.

Colonel W. HOFFMAN,
Com. General of Prisoners, Washington, D. C.

HEADQUARTERS DEP'T OF VIRGINIA AND NORTH CAROLINA,
Fort Monroe, Va., March 11, 1864.

COLONEL: I wish you would send to me, at Point Lookout, what privates, prisoners of war, there are at Fort Delaware, and from other points, so that we may not have to bring them, in case the exchange comes on, as I believe it will. If it does, we shall want them at the rate of two thousand per week.

That would press transportation. We can accommodate twenty thousand, as

well as any other number, at Point Lookout. We want them there time enough to have the four questions directed by the President put to each one of them, copies of which I enclose. Every prisoner at Point Lookout has recorded his name under one of the four questions. I have nearly a regiment recruited. I can get more when I get more prisoners. I will be prepared to receive prisoners at any point where there is steamboat navigation, upon being notified.

I have the honor to be, very respectfully, your obedient servant,

BENJ. F. BUTLER,
Major General and Comm'r for Exchange.

Colonel W. HOFFMAN,
Com. General of Prisoners, Washington, D. C.

HEADQUARTERS DEP'T OF VIRGINIA AND NORTH CAROLINA,
Office Com. for Exchange, Fort Monroe, Va., March 11, 1864.

SIR: Will you please send for our officers from distant points, Texas and elsewhere. I hear complaints that none but officers from Richmond can be exchanged, which embarrasses our action.

I have the honor to be, very respectfully, your obedient servant,

BENJ. F. BUTLER,
Major General and Comm'r for Exchange.

Hon. RO. OULD,
Agent for Exchange, Richmond, Va.

HEADQUARTERS DEP'T OF VIRGINIA AND NORTH CAROLINA,
Office Com. for Exchange, Fort Monroe, Va., March 11, 1864.

SIR: I see by a Richmond paper, a copy of which I send for your information, that the officers who accompanied General Kilpatrick in his late expedition, and were captured by your forces, have been confined in irons.

To such a report I give little credence, and before I take any action in relation to it I desire an authoritative confirmation from yourself.

I call you to witness that since I have had charge of the matter of exchange and treatment of prisoners I have endeavored that all things should be conducted, in this regard, upon the most humane principles of civilized warfare. I therefore shall not be considered by you as making a threat when I announce the determination of my government to return the promptest and severest retaliation for the treatment of those officers if I learn this report is possibly true.

I have the honor to be, very respectfully, your obedient servant,

BENJ. F. BUTLER,
Major General and Comm'r for Exchange.

Hon. RO. OULD,
Commissioner for Exchange, Richmond, Va.

HEADQUARTERS DEP'T OF VIRGINIA AND NORTH CAROLINA,
Office Com. for Exchange, Fort Monroe, Va., March 11, 1864.

SIR: I have the honor to request that the body of Colonel Ulric Dahlgren, late of the United States army, which we learn is buried in Richmond, be permitted to be forwarded by flag-of-truce boat, to be delivered to his afflicted father, who is waiting here to receive it.

As remains of officers have been forwarded to their friends in this manner, I

trust this request may be granted; specially so, because I see by the Richmond papers that some circumstances of indignity and outrage accompanied the death. You do not war upon the dead as these papers would imply, and would it not be desirable to prevent all supposition that your authorities countenance such acts, by delivering the remains to the bereaved family? Major Mulford is empowered to defray any expense that may attend the remains.

Respectfully, your obedient servant,

BENJ. F. BUTLER,
Major General and Comm'r for Exchange.

Hon. Ro. Ould,
Agent for Exchange, Richmond, Va.

Headquarters Dep't of Virginia and North Carolina,
Office Com. for Exchange, Fort Monroe, Va., March 11, 1864.

Sir: In reply to your communication of January 7, relative to the case of William H. Tilson, I have the honor to inform you that this man was sent to Camp Parole, Annapolis, on the 1st instant.

I have the honor to be, very respectfully, your obedient servant,

BENJ. F. BUTLER,
Major General and Com'r for Exchange.

Colonel W. Hoffman,
Commissary General of Prisoners, Washington, D. C.

Headquarters Dep't of Virginia and North Carolina,
Office Com. for Exchange, Fort Monroe, Va., March 11, 1864.

Sir: Will your authorities make a special exchange of Mr A. D. Richardson, correspondent of the New York Tribune, for James P. Hamilton, of Atlanta, Georgia, a prisoner in Fort Warren?

I have the honor to be, very respectfully, your obedient servant,

BENJ. F. BUTLER,
Major General and Com'r for Exchange.

Hon. Robert Ould,
Agent for Exchange, Richmond, Va.

Headquarters Dep't of Virginia and North Carolina,
Offi e Com. for Exchange, Fort Monroe, Va., March 11, 1864.

Sir: Will you please give me any information you may have concerning William Henry Tirdall, a native of Ireland? When last heard from, in April, 1862, he had left Mrs. John Anderson's place, Clarksville, Red River county, Texas, with the intention of returning to Ireland.

I have the honor to be, very respectfully, yours, &c.,

BENJ. F. BUTLER,
Major General and Com'r for Exchange.

Hon. Robert Ould,
Agent for Exchange, Richmond, Va.

HEADQUARTERS DEP'T OF VIRGINIA AND NORTH CAROLINA,
Office Com. for Exchange, Fort Monroe, Va., March 18, 1864.

SIR: Will you please inform me as to the whereabouts of Francis Lowe, master of the schooner Julia Baker, captured while engaged in gathering oysters at the mouth of James river on the 12th instant?

I have the honor to be, very respectfully, your obedient servant,

BENJ. F. BUTLER,
Major General and Com'r for Exchange.

Hon. ROBERT OULD,
Agent for Exchange, Richmond, Va.

HEADQUARTERS DEP'T OF VIRGINIA AND NORTH CAROLINA,
Office Com. for Exchange, Fort Monroe, Va., March 18, 1864.

SIR: I have the honor to inform you that the Rev. C. C. Hall, of Washington, D. C., goes to City Point in a few days with the body of Lieutenant Julian Cummings. Will you please notify Mr. C. C. Cummings, of Augusta, Georgia, of this fact, and ask him to meet it at City Point?

I have the honor to be, very respectfully, yours, &c.,

BENJ. F. BUTLER,
Major General and Com'r for Exchange.

Hon. ROBERT OULD,
Agent for Exchange, Richmond, Va.

HEADQUARTERS DEP'T OF VIRGINIA AND NORTH CAROLINA,
Office Com. for Exchange, Fort Monroe, Va., March 18, 1864.

SIR: Will your authorities make a special exchange of Private D. Cowles company B, 10th Wisconsin volunteers, a prisoner of war at Danville, Virginia?

I have the honor to be, very respectfully, your obedient servant,

BENJ. F. BUTLER,
Major General and Com'r for Exchange.

Hon. ROBERT OULD,
Agent for Exchange, Richmond, Va.

OFFICE OF COMMISSARY GENERAL OF PRISONERS,
Washington, D. C., March 21, 1864.

GENERAL: I have the honor to inform you that I have directed Assistant Surgeon J. E. Putnam, Confederate States army, now in Camp Chase, to be delivered to you at Fort Monroe with a view to his unconditional discharge at City Point, being a non-combatant.

Very respectfully, your obedient servant,

W. HOFFMAN,
Col. 3d Infantry, Com. General of Prisoners.

Major General B. F. BUTLER,
Commissioner for Exchange, Fort Monroe, Va.

WAR DEPARTMENT,
Washington, March 21, 1864.

SIR: The Secretary of War directs me to acknowledge the receipt, by reference from the commissary general of prisoners, of your communications of the 14th and 11th instant. In reply to your request for the transfer to Point Lookout of the prisoners of war now at Fort Delaware, I am instructed to say that

the Secretary does not deem it expedient to approve it, from the fact that he considers the last-named place by far the safest of the two. With regard to your suggestions for a declaration of exchange, the Secretary does not consider the alleged fact that "all the equivalents are serving in the confederate army against us, while we cannot make the declaration," as a sufficient reason for us to disregard the proper rules for the exchange of prisoners, nor does he think that the proper remedy of such irregularities is to be found in following Mr. Ould's example.

Very respectfully, your obedient servant,

EDWARD M. CANBY,
Brigadier General, A. A. G.

Major General B. F. Butler,
Commissioner for Exchange, Fort Monroe, Va.

War Department, Provost Marshal General's Office,
Washington, D. C., March 24, 1864.

General: In reply to your application of the 20th instant, you are hereby authorized to recruit and organize a regiment at Point Lookout, Maryland, to serve for three years or during the war.

The recruitment, musters, and organization must conform to the requirements of the mustering regulations of the army. All appointments of officers will be made by the War Department, upon your recommendation.

Arms and other supplies will be furnished by the proper supply department, upon your requisition.

I am, general, very respectfully, your obedient servant,

JAMES B. FRY, *Provost Marshal General.*

Major General B. F. Butler,
Commanding, &c., Fort Monroe, Va.

Headquarters Dep't of Virginia and North Carolina,
Office of Com. for Exchange, Fortress Monroe, Va., March 24, 1864.

Sir: Will you please inform me as to the whereabouts and present condition of Robert Vernon Hurst, company B, 36th Indiana volunteers; Henry M. Collins, 4th Iowa volunteers; John Wise, company D, 9th Indiana volunteers; William Nelson, sergeant, company I, 10th Wisconsin volunteers; Archibald Cook, 51st Illinois volunteers?

I have the honor to be, very respectfully, yours, &c.,

BENJ. F. BUTLER,
Major General and Com'r of Exchange.

Hon. Robert Ould,
Agent for Exchange, Richmond, Va.

Headquarters Dep't of Virginia and North Carolina,
Office of Com. for Exchange, Fort Monroe, Va., March 24, 1864.

Sir: Will you inform me as to the whereabouts and present condition of George Henry Pendleton, executive officer of the United States steamer Montgomery, and twenty-eight of the crew of that steamer, who were captured along with him, by confederate cavalry, near Georgetown, South Carolina, on the 7th of January last?

I have the honor to be, very respectfully, yours, &c.,

BENJ. F. BUTLER,
Major General and Com'r for Exchange.

Hon. Robert Ould,
Agent for Exchange, Richmond, Va.

HEADQUARTERS DEP'T OF VIRGINIA AND NORTH CAROLINA,
Office of Com. for Exchange, Fort Monroe, Va., March 28, 1864.

SIR: Will you please inform me as to the whereabouts and present condition of William H. Kitching, who was taken prisoner while in command of a picket-boat, from the United States gunboat Nipsic, on the night of the 26th of February last, near Charleston, South Carolina?

I have the honor to be, very respectfully, your obedient servant,

BENJ. F. BUTLER,
Major General and Com'r for Exchange.

Hon. ROBERT OULD,
Agent for Exchange, Richmond, Va.

HEADQUARTERS DEP'T OF VIRGINIA AND NORTH CAROLINA,
Fort Monroe, Va., March 28, 1864.

COLONEL: I have the honor to call your attention to the fact that I have just received a communication from General Marston, commanding at Point Lookout, transmitting a copy of the proceedings of a board of officers convened at this point to investigate and report the facts and circumstances connected with the shooting of a prisoner of war named Peyton on the 20th instant.

The board was convened and the original proceedings forwarded to Colonel Hoffman, agreeably to an order issued by direction of the Secretary of War, dated the 17th instant. It would seem that this order was issued directly to General Marston, without having passed through these headquarters.

It would tend greatly to the regularity of business if communications to the officer commanding the prisoners' camp at Point Lookout could take the usual and ordinary course prescribed by the regulations of the army. If the usual course had been taken in this instance, perhaps the findings of the board of inquiry would have been more satisfactory.

But as I have not been noticed in the proceedings, of course I have not examined it.

But it seems to me that in the very delicate matter of inquiring into the taking of the life of a man, especially a prisoner of war, which may be misrepresented to our rebel enemies, and lead to attempted retaliation, it should appear that the facts were found by a board which, like Cæsar's wife, should be beyond suspicion.

I know I have but to call your attention to this, which I deem an irregularity, to prevent its recurrence in the action of so good a soldier.

I have the honor to be, very respectfully, your obedient servant,

BENJ. F. BUTLER,
Major General Commanding.

Colonel W. HOFFMAN,
Commissary General of Prisoners, Washington, D. C.

C. S. STEAMER ROANOKE,
Mouth of the James River, March 29, 1864.

SIR: I am here for the purpose of having a conference with you in relation to matters connected with the delivery and exchange of prisoners.

Respectfully, your obedient servant,

ROBERT OULD,
C. S. Agent for Exchange.

Major General B. F. BUTLER,
U. S. Agent for Exchange.

OFFICE COMMISSARY GENERAL OF PRISONERS,
Washington, D. C., March 30, 1864.

GENERAL: Much inconvenience has been experienced on the delivery of paroled prisoners at Annapolis, Maryland, in consequence of the hurried manner in which they have been obliged to land from the steamer. At no time has the roll of prisoners delivered been called on their delivery, and the consequence has been much difficulty in comparing the men with the names on the rolls.

I have, therefore, the honor to request that the steamer may be ordered to remain at Annapolis, Maryland, until the sick can be comfortably transferred to the hospital, and a careful roll-call of the command can be made. Many false names are give, and without this roll it is almost impossible to detect them.

There are in this city and at Fort Delaware some five or six prisoners of war more or less insane, whom it would be a relief to us to send to City Point, and there are some twenty or thirty invalids at the west building hospital, in Baltimore, whom it would be as well to deliver at the same point; and if you approve it, I will forward them as soon as arrangements can be made for the purpose.

I am, general, very respectfully, your obedient servant,

W. H. HOFFMAN,
Colonel 3d Infantry, Commissary General of Prisoners.

Major General B. F. BUTLER,
Commissioner for Exchange, Fort Monroe, Va.

HEADQUARTERS DEP'T OF VIRGINIA AND NORTH CAROLINA,
Fort Monroe, Va., March 31, 1864.

SIR: Please have Major W. Curver Hall, late of General Trimble's staff, now a prisoner on Johnson's island, sent to me.

I have the honor to be, very respectfully, your obedient servant,

BENJ. F. BUTLER,
Major General and Com'r for Exchange.

Colonel W. HOFFMAN,
Commissary General of Prisoners, Washington, D. C.

HEADQUARTERS DEP'T OF VIRGINIA AND NORTH CAROLINA,
Office Com. for Exchange, Fort Monroe, Va., March 31, 1864.

SIR: Will you please inform me as to the fate of the master and crew of the schooner Julia Baker, captured on the 12th instant?

I have the honor to be, very respectfully, your obedient servant,

BENJ. F. BUTLER,
Major General and Com'r for Exchange.

Hon. ROBERT OULD,
Agent for Exchange, Richmond, Va.

HEADQUARTERS DEP'T OF VIRGINIA AND NORTH CAROLINA,
Office Com. for Exchange, Fort Monroe, Va., March 31, 1864.

SIR: Will you please inform me as to the whereabouts of the captain and crew of the steam-tug Titan, captured on the 5th instant at Cherrystone inlet?

I have the honor to be, very respectfully, your obedient servant,

BENJ. F. BUTLER,
Major General Commanding, and Com'r for Ex.

Hon. ROBERT OULD,
Agent for Exchange, Richmond, Va.

Memorandum of points discussed between Benj. F. Butler, United States agent for exchange, and Robert Ould, Confederate States agent for exchange, at a conference at Fortress Monroe, March 31, 1864.

United States claims that the cartel should be set aside because of the declaration of authorities of Confederate States of December 23, 1862, of January 12, 1863, and acts of Confederate States Congress in regard to treatment of officers in command of colored troops and of their troops.

Officers and men, (not slaves,) even if serving with slaves in the United States forces, shall be treated as prisoners of war.

That slaves captured shall not be treated as prisoners of war, and that a right exists, at the pleasure of the Confederate States, to return them when captured to their former owners, being in the confederacy.

By slaves are meant persons held to life service by masters belonging within the States of Missouri, Alabama, Texas, Louisiana, Mississippi, Arkansas, Georgia, Florida, South Carolina, North Carolina, Virginia, Tennessee and Kentucky.

Confederate States claim paroles of all officers and soldiers (not citizens) captured and paroled by commanding officers of armies and expeditions prior to July 3, 1863, as per general orders, prior to Order No. 207, and all captured and paroled by officers of armies since.

It may be granted, except as to persons in the military and naval service, paroled, who could not be held and brought away, and held in confinement by the forces upon such expeditions.

To this it is answered that the United States have claimed, and had allowed in exchange, paroled men captured on raids like Kilpatrick's first raid, who could not have been brought away by the expeditionary force; and if practicable, would be willing to adjust accounts in that way from the beginning, but do not believe it to be practicable.

It is suggested that Order No. 207 shall apply only to paroles granted after a reasonable time for the order to have reached the commanding officer giving the parole, time to be judged of in each case according to his position and distance from Washington.

For the purpose of the cartel, who shall be held to be commanders of armies in the field, a definition is suggested that, in addition to the general meaning, it ought to include a commander of a besieging force and the commander of the fortified place besieged, also to commanders of detailed forces, acting for the time independently of headquarters, either by order or because of the necessity of warlike operations when it is in the power of the captor to hold and bring off his prisoners.

It is further suggested, when the captured party is disabled or wounded, so that his transportation would endanger life or limb, then his own parole should be represented if he is released.

In other respects cartel to be carried out, and exchange and parole to go forward according to provisions.

In all cases of condemnation to death, imprisonment at hard labor, or confinement in irons, except upon sentence of death, of any person in the military or naval service of either belligerent, before execution of the sentence, the copy of the records of the trial and conviction shall be submitted to the agent of exchange of the accused party; and unless a communication of an order of retaliation within fifteen days thereafter be made to the agent of exchange furnishing the records, no retaliation for such execution or other punishment shall be claimed or executed by the other party.

OFFICE OF COMMISSARY GENERAL OF PRISONERS,
Washington, D. C., April 2, 1864.

GENERAL: An application has been sent to the Secretary of War, by his excellency Governor Brough, of Ohio, requesting that an effort be made to secure the release and exchange of Mr. James H. Brown, a newspaper correspondent, now confined in the Libby prison at Richmond; and I am directed by the Secretary of War to inform you of this application, with a view that the release of Mr. Brown may be obtained whenever it may be in your power.

I am, general, very respectfully, your obedient servant,

W. HOFFMAN,
Col. 3d Infantry, Commissary General of Prisoners.

Maj. Gen. B. F. BUTLER,
Commissioner for Exchange, Fort Monroe, Va.

OFFICE OF COMMISSARY GENERAL OF PRISONERS,
Washington, D. C., April 2, 1864.

GENERAL: I have the honor to acknowledge the receipt of your letter of the 28th instant, in reference to the proceedings of a board of officers ordered by the commanding officer, at Point Lookout, to investigate the circumstances connected with the shooting of a prisoner of war at that post.

The order to which you refer, directing a board to be assembled, was not issued to meet this particular case, nor was it confined to Point Lookout. All commanders of posts, where prisoners of war are confined, have been required, by direction of the Secretary of War, to order a board of officers to investigate any case that may occur in their respective commands of the shooting of a prisoner by a member of the guard. A board of officers, ordered from the headquarters of the department, would certainly be less likely to be influenced by sympathy or bias than one composed of officers serving at the post; but as the investigation is, of course, at best informal, and only with a view to ascertain whether the transaction should be formally brought before a military tribunal, the board, as ordered, may be considered as sufficiently reliable.

By General Orders No. 67, of June 17, 1862, the supervision of prisoners of war is placed in the hands of the commissary general of prisoners, under which order I have been in the habit of communicating directly with the commanders of stations where prisoners are held; and this has been found to be necessary to save time in communicating with them, to preserve uniformity of administration, and to secure a proper responsibility from the commanders.

There have been cases, and there is one now, where, to preserve the usual course in communicating with a commander, a letter from this office would have to pass through two or three different headquarters before reaching him; and when these headquarters are frequently changed in location and the officers in command, you will readily understand how much embarrassment and delay must result from the observance of the usual rule. In special cases, where it seems to be necessary, I apply directly to the commander of the department for assistance.

I am, general, very respectfully, your obedient servant,

W. HOFFMAN,
Col. 3d Infantry, Commissary General of Prisoners.

Maj. Gen. B. F. BUTLER,
Commissioner for Exchange, Fort Monroe, Va.

HEADQUARTERS DEP'T OF VIRGINIA AND NORTH CAROLINA,
Fort Monroe, Va., April 2, 1864.

Unless there are charges against him, will you have James P. Hambleton, of Atlanta, Georgia, now confined at Fort Warren, sent to me to offer for exchange for A. D. Richardson, of the Tribune? I should like to get him before Thursday next.

BENJ. F. BUTLER,
Major General Commanding.

Colonel W. HOFFMAN,
Commissary General of Prisoners, Washington, D. C.

OFFICE OF COMMISSARY GENERAL OF PRISONERS,
Washington, D. C., April 3, 1864.

GENERAL: In the case of a hospital steward belonging to the rebel army, captured in the west, recently presented to the Secretary of War, he directed that in this particular case the party should be classed with non-combatants, and should be sent beyond our lines for unconditional discharge.

The Secretary further directs that the action in this case shall be adopted as a general rule, if the rebel authorities will recognize it as a rule by which they will be governed; and I have, therefore, respectfully to request you will call their attention to the matter at your earliest convenience.

I am, general, very respectfully, your obedient servant,

W. HOFFMAN,
Col. 3d Infantry, Commissary General of Prisoners.

Maj. Gen. B. F. BUTLER,
Commissioner for Exchange, Fort Monroe, Va.

HEADQUARTERS DEP'T OF VIRGINIA AND NORTH CAROLINA,
Office Com'r for Exchange, Fort Monroe, Va., April 4, 1864.

SIR: Will your authorities make a special exchange of Lieutenant Colonel James H. King, 3d Ohio volunteers, a prisoner in Libby prison. This government is willing to give any confederate officer of equal rank in exchange for him.

I have the honor to be, very respectfully, your obedient servant,

BENJ. F. BUTLER,
Major General and Com'r for Exchange.

Hon. ROBERT OULD,
Agent for Exchange, Richmond, Va.

HEADQUARTERS DEP'T OF VIRGINIA AND NORTH CAROLINA,
Fort Monroe, Va., April 4, 1864.

SIR: I had an application the other day from a hospital steward to be discharged on the ground that he was a non-combatant, following the class of surgeons.

I have ordered him to be released and sent to you, and I would suggest that this should be made a general rule, as in the cases of surgeons and chaplains.

Please inform me whether it meets your approbation; and if so, we will publish a reciprocal general order upon the subject.

I have the honor to be, very respectfully, your obedient servant,

BENJ. F. BUTLER,
Major General and Com'r for Exchange.

Hon. ROBERT OULD,
Agent for Exchange, Richmond, Va.

HEADQUARTERS DEP'T OF VIRGINIA AND NORTH CAROLINA,
Office Com. for Exchange, Fort Monroe, Va., April 4, 1864.

SIR: Your communication in regard to James K. Brown, newspaper correspondent, has been received. Application will be made to Commissioner Ould to procure his exchange.

I have the honor to be, very respectfully, your obedient servant,

BENJ. F. BUTLER,
Major General and Com'r for Exchange.

Col. W. HOFFMAN,
Commissary General of Prisoners, Washington, D. C.

HEADQUARTERS DEP'T OF VIRGINIA AND NORTH CAROLINA,
Office Com. for Exchange, Fort Monroe, Va., April 4, 1864.

SIR: I have had an investigation made of the matter referred to me through your office before the receipt of your note, and have had the evil corrected. The captain of the boat New York undoubtedly occupies too much of it, but no officer ever called it to notice.

I have the honor to be, very respectfully, yours, &c.,

BENJ. F. BUTLER,
Major General and Com'r for Exchange.

Col. W. HOFFMAN,
Commissary General of Prisoners, Washington, D. C.

HEADQUARTERS DEP'T OF VIRGINIA AND NORTH CAROLINA,
Office Com. for Exchange, Fort Monroe, Va., April 5, 1864.

COLONEL: Be so kind as to forward, for the use of these headquarters, a supply of blank rolls of prisoners of war with and without paroles.

Also a copy of the list of Union prisoners of war paroled by the confederate agent for exchange at Richmond on or about the 6th day of March, 1864.

I have the honor to be, yours, &c.,

BENJ. F. BUTLER,
Major General and Com'r for Exchange.

Col. W. HOFFMAN,
Commissary General of Prisoners, Washington, D. C.

HEADQUARTERS DEP'T OF VIRGINIA AND NORTH CAROLINA,
Fort Monroe, Va., April 8, 1864.

COLONEL: Jacob P. Russell, sergeant of the 9th Virginia regiment, Pickett's division, and some nine months a prisoner in Fort Delaware, has loyal relations living in Norfolk. I am assured that he desires to take the oath and return to his allegiance, having been conscripted in the rebel army. Please send him to me for examination for the purpose indicated.

I have the honor to be, very respectfully, &c.,

BENJ. F. BUTLER,
Major General Commanding.

Col. W. HOFFMAN,
Commissary General of Prisoners, Washington, D. C.

OFFICE OF COMMISSARY GENERAL OF PRISONERS,
Washington, D. C., April 8, 1864.

GENERAL: On the 29th of February I had the honor to inform you that Captain Frank Babbles, of the rebel army, had been ordered to be placed in irons at Fort Warren, in retaliation for the confinement in irons of Captain Shade Harris, 3d East Tennessee cavalry, by the Richmond authorities.

I would respectfully inquire whether the assurance given by Mr. Ould, that there are no Union prisoners in confinement in irons at the south, covers the case of Captain Harris. I will be very much obliged to you for a copy of the proceedings of the board of officers who investigated the complaints made by rebel officers of the loss of their baggage while being transferred from Johnson's island to Point Lookout.

I am, general, very respectfully, your obedient servant,

W. HOFFMAN,
Col. 3d Infantry, Commissary General Prisoners.

Major General B. F. BUTLER,
Commissioner for Exchange, Fort Monroe, Va.

HEADQUARTERS DEP'T OF VIRGINIA AND NORTH CAROLINA,
Office Com. for Exchange, Fort Monroe, Va., April 9, 1864.

SIR: Referring to your complaint that several men who had been declared exchanged by an agreement of May 8, 1863, are now in confinement at Alton, Illinois, for breaches of their paroles from which they had been released by said declaration of exchange, the Secretary of War directs me to request that you will forward the names of any men held at the Alton prison or elsewhere under the circumstances stated.

I have the honor to be, very respectfully, your obedient servant,

BENJ. F. BUTLER,
Major General and Com'r for Exchange.

Hon. ROBERT OULD,
Agent for Exchange, Richmond, Va.

HEADQUARTERS DEP'T OF VIRGINIA AND NORTH CAROLINA,
Fort Monroe, Va., April 9, 1864.

SIR: Upon the last flag-of-truce boat, which carried up confederate prisoners in our hands, I sent up from Point Lookout some four hundred and odd prisoners, being all the wounded and sick confederates who were sufficiently convalescent to bear the voyage.

Upon the return of the boat I was informed by Major Mulford that the confederate agent of exchange would meet me on the James river on Wednesday, the —— of March. Accordingly I received notice from Admiral Lee, late in the evening of that day, that a flag-of-truce boat was seeking communication at the outer picket line of the blockading fleet at the mouth of the James river.

The same messenger brought a communication from Robert Ould, esq., agent of exchange of the authorities of the belligerents at Richmond, directed to Major General Butler, agent for the exchange of prisoners on behalf of the United States, signed with the official signature of Robert Ould, agent of exchange, "Confederate States," informing me that he was then on board the Confederate States steamer Roanoke, and desired an interview upon the subject of exchange.

Deeming this to be an official recognition of the commissioner of exchange of the United States on behalf of the belligerent authorities at Richmond, and an abrogation of the letter to General Hitchcock, commissioner of exchange, of the date of December 27, 1863, refusing to treat with myself as commissioner of exchange on the part of the United States, I sent Major Mulford with a steamer to officially inform Mr. Ould that I would confer with him as proposed, and suggested, as a matter of comfort to both parties, that he should meet me with his assistant at Fortress Monroe.

Owing to the darkness and storminess of the weather, he was not able to come down the river until the following day. Upon meeting, Mr. Ould informed me that most of the soldiers of the United States in the hands of his authorities had been sent to Americus, Georgia, for the convenience of furnishing them with food, and for the purpose of relieving us from the temptation of continual movements upon Richmond for the purpose of their liberation, and that in further exchange he would desire to have these prisoners delivered to us at Fort Pulaski, in the Savannah river, and urged as a reason that it was more desirable to have them come by sea than to suffer the discomforts of many hundred miles by railroad.

From motives of tenderness to the prisoners, and to prevent their being broken down by the journey, I assented that, in case the exchange went forward, our government would receive those prisoners at that point, although the expenditure would be much heavier than at City Point; but leaving that question, as well as the one whether the prisoners held by us in the west might not be delivered somewhere on the Mississippi river, and thus save an expensive land transportation, to be adjusted by future conference, after other questions of more moment were settled, we then proceeded to discuss the points of difference which had arisen in the matter of exchange, and the points reduced themselves to a few, which, for more convenience of reference, were put upon a memorandum, a copy of which I herewith enclose. I confess that excepting the first point, as to persons of color, which I beg leave to discuss last, I can see no reason why an agreement upon all points of difference cannot be arrived at upon just and equitable terms.

In regard to paroles, the confederate commissioner claims nothing, so far as I can see, which he is not willing to concede to us, acting under the cartel and our general orders, with the exception that, I believe, on both sides it should be yielded, that, as well before as subsequently to Order No. 207, of July 3, 1863, paroles should not be accepted by either belligerent of officers or soldiers who were not so far in the power of the captor as to be taken to a place of safety, and I believe this proposition will be agreed to by the confederate commissioner, although, for paroles given prior to July 3, I was at a loss to answer the fact claimed, which I suppose to be the fact that paroles of prisoners taken on raids had been insisted upon on behalf of the United States, as in the case of Kilpatrick's first expedition to Richmond, and had been allowed and counted by the confederate authorities. But I have still no doubt that that matter can be easily adjusted.

The next question of difference which presented itself in discusing what paroles should be allowed, was the necessity of defining what is the meaning of the words "commanders of armies in the field," as used in Order No. 207; and this was further complicated with the question when that order should be considered as taking effect; whether at its date, July 3, 1863, or on the date of its being notified to the confederate commissioner of exchange, July 8, or at some other period. The practical result of the difference of opinion upon this question would be this: If the "commanding officer of an army in the field" should only mean the officer actually commanding a military department, or an expeditionary corps in a given section of country, and the order should be held to take effect July 3, the day of its date, then the confederate commissioner claims that

the paroles at Vicksburg were invalid under Order No. 207, which took effect July 3, as the surrender was July 4, by General Pemberton, who was not "commander of the army in the field," the commander of the department being General Johnston, who was then within a few miles, and the immediate superior of General Pemberton, who was not negotiated with in the act of capitulation at Vicksburg. Or, if it should be held that Order No. 207 took effect on July 8, the date of its notification to the confederate commissioner, then the paroles at Port Hudson would be invalid, because that surrender was on the 9th of July by Colonel Gardner, an inferior officer of the Confederate States army, in command of a fortified post simply, who in no ordinary sense can be deemed to be a "commander of an army in the field," he, in fact, being at that time under the command of General Johnson.

And it was further claimed that upon this point General Banks had himself given a construction as to what was meant by a "commander of an army in the field" by refusing to recognize the paroles of the colonel commanding at New Iberia, who, being a subordinate of General Banks, surrendered to General Dick Taylor, commanding confederate forces, and negotiated paroles of himself and men without the consent of his immediate superior, General Banks, who was at that time further distant with the remainder of his army from New Iberia, where the surrender was effected, than was General Johnston from Port Hudson, at the time Colonel Gardner, the commander there, negotiated the surrender of that fortified place with General Banks.

There might be other cases cited on the part of the United States, but these claims of the confederate commissioner will sufficiently illustrate the importance of the question, and the necessity of agreeing, in case the exchange goes on, upon some principle which shall obviate this difficulty, and therefore the definition was suggested which appears upon the points discussed, to wit, that in addition to the general meaning, it ought to include a commander of a besieging force and the commander of the fortified place besieged, also to commanders of detached forces acting for the time independently of headquarters, either by order or because of the necessities of warlike operations where it is in the power of the captor to hold and bring off his prisoners.

And it was further suggested, that to cover all these cases of difficulty, both on the one side and on the other, as to the time General Order No. 207 should take effect, that it should be held to take effect within a reasonable time after its promulgation for the order to have reached the commanding officer giving the paroles, which time should be judged of according to the distance from Washington. And I think upon both these points an agreement upon the basis here suggested may be arrived at, so as to settle, without further debate, the capitulation of both Vicksburg and Port Hudson, and others standing in like case. In order to prevent any temptation for the capturing party to take along the sick and wounded of the other party, who are not able to be moved, another modification of General Order No. 207 was suggested, to wit, that when the captured party is disabled so that his transportation would endanger life or limb, then his own parole should be respected if he is released.

To prevent the complication, which now arise by the unauthorized, sporadic, and ill-judged acts of some officers holding commands in the rebel forces, I suggested another addition to the cartel, which is found as the last point of discussion, to wit: In all cases of condemnation to death, imprisonment to hard labor, or confinement in irons, except upon sentence of death, of any person in the military or naval service of either belligerent, before execution of the sentence, the copy of the record of the trial and conviction shall be submitted to the agent of exchange of the accused party; and unless a communication of an order of retaliation within fifteen days thereafter be made to the agent of exchange furnishing the record, no retaliation for such execution or for such punishment shall be claimed or executed by the other party.

By this continual necessity for retaliation because of unauthorized acts of individual officers and the cruel treatment of prisoners of war by confinement in irons, causelessly or without hearing, which might call for retaliation on the other side, can be prevented, so that the confederate authorities and the government of the United States can both assume the responsibility of any act of this sort before it is committed, and not be called upon after the act is done to either assume, disapprove, or retaliate it.

If all the points of this discussion in the memoranda could be fully settled, and the principle upon which paroles should be allowed on the one side and on the other could be adjusted and faithfully acted upon, I do not see why the exchange under the cartel ought not to go on. The cartel was a very hard bargain against us, but still it is our compact, and I suppose it is to be stood by; the details of these paroles, I have no doubt, can all be perfectly and satisfactorily settled upon the principle I have suggested, none being claimed or allowed on either side except where officers and soldiers of known and recognized military organizations shall have been captured, provided always that citizens may be paroled and exchanged for citizens. This question of paroles becomes of less consequence to settle in detail, because, after allowing all the paroles of the confederates claimed by them as now existing on their behalf, and allowing the two thousand paroled at Vicksburg declared exchanged, which the confederate commissioner claims he had a right to declare exchanged under the cartel to meet an equal number of prisoners actually delivered to us at City Point, which we have the right to declare exchanged, there will then remain a balance of paroles in favor of the United States of some twenty-five thousand men, the confederate commissioner claiming to have now in his hands only sixteen thousand paroles.

I would suggest, therefore, that, passing the first questions which I now desire to bring to your notice, that I have authority to settle and determine all these questions of paroles upon the basis suggested in the "points of discussion" and in this note, because I think it important to get these questions out of discussion and out of difficulty, and settled between the confederate authorities and the United States, in order that the only question which shall prevent a full and just carrying out of the cartel shall be very important, one which stands at the head of these points of discussion, because, while I do not believe that the good sense of the country, the justice of the government, or humanity towards our suffering brother soldiers in the confederate prisons, will permit us for a moment to break off the cartel upon any difference arising from either of these questions about paroles, number and details of paroled men, which can be settled upon the basis adjusted in this note, yet I do believe that the dignity of the government, its rights to its self-respect, and the respect of other nations, require us to hold with a hand rigid as iron the point of discussion first presented, and that we shall be justified, not only by the judgment of the civilized world, but by the self-respect of our government, and by the consent of all good men, and even by those of our sons and brothers who may suffer in prison because of the stand we take, as well as by our own conscience, in refusing for a moment to permit those black men whom we have made free, uniformed, and armed, and put in our service, when captured, from being treated as slaves.

And I desire, therefore, that this point of difference between the United States government and the confederate authorities shall stand out alone, as full justification, if not yielded by them, for setting aside the cartel, because of a gross violation of it by the confederate authorities.

It will be remembered by the declaration and proclamation of Jefferson Davis, of December 23, 1862, that all officers commanding colored troops were to be delivered over to the governors of States, to be punished under their laws for inciting negro insurrections, which is a paraphrase for punishment by ignominious death, and that the colored soldiers so commanded were not to be

treated as prisoners of war, but were to be turned over to their masters to hard labor as slaves, and that this was substantially the recommendation of Mr. Davis's message to the confederate congress, and that an act was passed substantially in accordance with this recommendation.

Now, while it may be conceded, as a usage of civilized warfare, that prisoners of war, necessarily supported by the capturing government, may be employed by that government to labor upon public work, yet it has never been, among nations making professions of Christianity, held that captives of war, either by land or sea, could be made slaves. And it will also be remembered that the United States government went to war with Tripoli and other Barbary powers in 1804 to force them at the cannon's mouth to repudiate this doctrine. It will be seen that the confederate commissioner, however, has so far modified his claim that officers in command of colored troops and free negroes, although both may be serving in company with slaves as soldiers in the army of the United States, are to be treated as prisoners of war, so that the question of difference between us now is not one of color, because it is admitted now that free black men of the loyal States are to be treated as prisoners of war.

But the claim is that every person of color who ever was a slave in the thirteen Confederate States shall not be treated as a prisoner of war, but when captured are to be deemed as slaves, and may be turned over to their masters as such by the confederate government.

Now, as the United States government has, by the proclamation of the President, and by the law of Congress, manumitted all slaves that have sought refuge within the lines of the Union army, and declared that they shall never be returned to their masters; and as men heretofore slaves, when duly enrolled in the United States army, must be deemed and taken to be within the Union lines, therefore we have no slaves in our army; and the question is, whether we shall permit the belligerents opposed to us to make slaves of the free men that they capture in our uniform simply because of their color; because, upon no ground of national law, so far as I am advised, can it be claimed for a moment that to any slave from any State, when found within our lines, any right of property can attach in behalf of his former master; because, treating the slaves as property only, only his capture by us from a belligerent would give the captor the right of property, the "*jus disponendi*," and we have exercised that right of disposition by making him free.

But suppose we had not done so; his recapture on land by the confederate forces, treating them as representatives of a government, would make the slave as an article of property, the property of the government that captured him, and would by no reason revert the title in the former owner.

To use an illustration which has occurred to my mind; suppose on land we capture from the rebels a horse belonging to A; that horse, disposed of by our government, is taken into the government service, and is afterwards recaptured by the confederate forces; would there be any doubt that the property in the animal would have been diverted from the original owner, A, by the first capture, and come to the United States, and then been taken from the United States and given to the confederate government by the second capture?

Further, to permit this would be a violation of the laws of some of these very Confederate States.

Virginia has emancipated her slaves by provisions which no one can doubt must be held according to any usage to be operative within the lines of the United States army. Many slaves are thus made free who are now in our army, and we cannot, of course, suffer them to be enslaved by the fact of capture by the rebels.

I understand this right to thus dispose of black soldiers in armies to be made a "sine qua non" by the confederates, and therefore I take leave to suggest that I may be instructed to settle with the confederate commissioner upon further

conference with him all points of difference except this, and to declare exchanged numbers equal on either side heretofore delivered and paroled, so that this point may be left standing out sharply alone; and in regard to it, to insist that the cartel applies, as it does apply, to these colored prisoners of war, and that no further exchange can go on by the delivery of prisoners captured until this point is yielded, with the purpose, but not with the threat, of exact retaliation in exact kind and measure upon their men of the treatment received by ours.

Awaiting instructions, I have the honor to be, very respectfully, your obedient servant,

BENJ. F. BUTLER,
Major General and Com'r for Exchange.

Hon. E. M. STANTON,
Secretary of War.

HEADQUARTERS DEP'T OF VIRGINIA AND NORTH CAROLINA.
Office Com. for Exchange, Fort Monroe, Va., April 13, 1864.

SIR: Will you please inform me in what manner, and for what purpose, is Major Waldo P. Goff held as a prisoner in Richmond, Virginia?

I have the honor to be, very respectfully, your obedient servant,

BENJ. F. BUTLER,
Major General Commanding.

Hon. RO. OULD,
Agent for Exchange, Richmond, Va.

HEADQUARTERS DEP'T VIRGINIA AND NORTH CAROLINA.
Office Com. for Exchange, Fort Monroe, Richmond, Va., April 13, 1864.

SIR: Will you please inform me in what manner Captain Ralph O. Ives, 10th Massachusetts volunteers, is held a prisoner by your authorities?

I have the honor to be, very respectfully, your obedient servant,

BENJ. F. BUTLER,
Major General and Com'r for Exchange.

Hon. RO. OULD,
Agent for Exchange, Richmond, Va.

WASHINGTON, D. C., *April* 15, 1864.

GENERAL: I have the honor to enclose herewith the statement signed by Colonel Hoffman, which was directed to be prepared by the Secretary of War in your presence last evening, and beg leave to explain that the last formal declaration of exchange of prisoners, which was agreed to by both of the agents, was dated June 8, 1863, and was published in General Orders No. 167.

At that time Colonel Ludlow was our agent of exchange, and the declaration left us indebted to the rebels, officers and men reduced to privates by rates agreed upon in the cartel, 12,794 men.

Since the date of that declaration the rebels have delivered to us 18,485 men, making our total indebtedness 31,279. Since the declaration referred to, and soon after it, the tables were turned by the capture of Vicksburg and Port Hudson, which brought the rebels largely indebted to us; in addition to which, there had been delivered rebel prisoners by us, up to July 25, 1863, 8,359 men.

And after that date, 7,191, which, added to the Vicksburg and Port Hudson prisoners, makes a total of 65,182.

Some time in July, 1863, Mr. Ould, without any conference or agreement with our agent, Colonel Ludlow, announced a declaration of exchange in favor of Lieutenant General Pemberton, and a few other officers of high rank, which Colonel Ludlow protested against and refused to recognize because it was contrary to usage, and because we had no rebel officers of equivalent grade in our hands to be exchanged for them, and it was supposed that Mr. Ould acquiesced in the protest, but he subsequently reaffirmed this declaration. Colonel Ludlow was relieved from duty as agent of exchange, and was succeeded by General Meredith. Not long afterwards Mr. Ould renewed his mode of action, without any conference or agreement with General Meredith, and made an arbitrary declaration of exchange in favor of a considerable portion of the Vicksburg prisoners, without stating any definite number, but defining them by certain commanders and corps, which we ascertained included a large excess over the number of federal troops who had been captured by the rebels and returned to us, and were on parole waiting to be exchanged.

Notwithstanding the irregularity of this proceeding on the part of Mr. Ould, his conduct left us no alternative but to make a declaration of exchange in favor of a portion of the federal paroled prisoners in our hands, and a declaration was made extending to 23,056. We were then in hopes that irregular declaration would not be repeated by Mr. Ould, but we were disappointed. He made several declarations of exchange, extending to rebel prisoners on parole in the south, all of them without conference or agreement with our agents. As I considered this proceeding entirely without warrant from the cartel, and wholly unprecedented in the history of war, I advised, as the commissioner of exchange, that we should not follow Mr. Ould's example; and though greatly to our disadvantage, in the hope of a return to proper principles, no declaration of exchange was made by us, except the first and only one made by General Meredith while he remained the agent of exchange, so that when he was relieved we had a good and valid claim against the rebels for a large number of men, I feel very sure, amounting to over 20,000; stated by Colonel Hoffman, from his official papers at 23,213, (vide page 2, statement.)

Independently of this claim, we have another arising from the difference between 19,814 rebel troops on parole, and 8,223 federal troops on parole, being a claim to 11,591, (vide page 2, statement,) which number, in fact, should be added to the 23,213 to show the total indebtedness of the rebels to us.

* * * * * * * * * *

I have the honor to be, very respectfully, your obedient servant,

E. A. HITCHCOCK,

Major Gen. Vols. and Com'r for Exchange of Prisoners.

Lieut. Gen. U. S. GRANT,

General-in-Chief.

Official:

S. T. BOWEN *A. A. G.*

Statement of federal and rebel prisoners of war received and delivered since last declaration.

	Officers.	Enlisted men.	Reduced to privates.
Number of paroled federal prisoners on hand at date of last declaration of exchange, June 8, 1863, General Order No. 167, and not then exchanged	76	10,352	12,794
Number of federal officers and enlisted men received by us from the rebels since June 8, 1863	246	15,949	18,485
Total number paroled	322	26,301	31,279
Exchanged	76	19,083	23,056
Balance on parole	246	7,218	8,223
Number of rebel officers and enlisted men delivered by us on parole up to July 25, 1863	72	8,014	8,359
Number of rebel officers and enlisted men delivered by us on parole between July 25, 1863, and this date, at City Point	115	6,317	7,191
Paroled at Port Hudson	.....	5,953	7,158
Number of rebel officers and enlisted men paroled at Vicksburg, Mississippi	2,156	27,225	42,474
Total number paroled	2,343	47,509	65,182
Exchanged.			
Delivered at City Point, &c., to January 1, 1864	76	12,012	13,080
Paroled at Port Hudson	.....	5,953	7,158
Paroled at Vicksburg, Mississippi	1,309	15,649	26,031
Total number exchanged	1,485	33,614	46,269
Balance on parole.			
Delivered at City Point, Virginia	111	2,319	3,371
Paroled at Vicksburg, Mississippi	847	11,576	16,443
Total on parole	958	13,895	19,814

It appears from the foregoing that there have been declared exchanged of rebel troops reduced to privates	46,296
Federal troops reduced to privates	23,056
Leaving the rebels indebted to us in order to adjust the informal declarations already made	23,213

The adjustment being supposed to be made, the state of the prisoners would be thus:

Rebel troops reduced to privates on parole, and subject to be exchanged	19,814
Federal troops reduced to privates on parole, and subject to be exchanged	8,223
Excess of rebels	11,591

This number of 11,591 would be due to us after exchanging a sufficient number of the 19,814 to balance the 8,223 of federal troops now on parole in the north, which would about balance the number of federal prisoners held in the south.

This statement leaves us the undisputed possession of all of the rebel prisoners now in the north under federal guards.

By a recent notice in the newspapers of an exchange declared by Mr. Ould, it appears that besides the prisoners delivered at City Point to January 1, 1864, covered by this declaration, Mr. Ould includes all Vicksburg prisoners assembled at Enterprise, Mississippi, prior to November 14, 1863.

The number is not stated, and probably was not known; but whatever it may be, must be added to the indebtedness of the rebels to us.

W. HOFFMAN,
Colonel 3d Infantry, Commissary General of Prisoners.

HEADQUARTERS ARMIES OF THE UNITED STATES,
In field, Culpeper Court-House, Virginia, April 17, 1864.

GENERAL: Enclosed you will please find statement of federal and rebel prisoners of war delivered since last declaration, together with explanatory letter of Major General E. A. Hitchcock, commissioner for exchange of prisoners.

I am, general, very respectfully, your obedient servant,

U. S. GRANT, *Lieutenant General.*

Major General B. F. BUTLER,
Comd'g Dep't Virginia and N. Carolina, Fortress Monroe, Va.

UNITED STATES MILITARY TELEGRAPH.

[By telegraph from Washington—9.30 p. m.—Dated April 20, 1864.]

(Cipher.)

To Major General B. F. BUTLER:

Receive all the sick and wounded the confederate authorities will send you, but send no more in exchange.

U. S. GRANT, *Lieutenant General.*

HEADQUARTERS ARMY OF THE UNITED STATES,
In the field, Culpeper Court House, April 17, 1864.

GENERAL: Your report of negotiations with Mr. Ould, Confederate States agent, touching the exchange of prisoners, has been referred to me by the Secretary of War, with directions to furnish you such instructions on the subject as I may deem proper.

After a careful examination of your report, the only points on which I deem instructions necessary are:

1st. Touching the validity of the paroles of the prisoners captured at Vicksburg and Port Hudson.

2d. The status of colored prisoners.

As to the first, no arrangement for the exchange of prisoners will be acceded to that does not fully recognize the validity of these paroles, and pro-

vide for the release to us of a sufficient number of prisoners now held by the confederate authorities to cancel any balance that may be in our favor by virtue of these paroles.

Until there is released to us an equal number of officers and men as were captured and paroled at Vicksburg and Port Hudson, not another confederate prisoner of war will be paroled or exchanged.

As to the second, no distinction whatever will be made in the exchange between white and colored prisoners; the only question being, were they at the time of their capture in the military service of the United States. If they were, the same terms as to treatment while prisoners and conditions of release and exchange must be exacted, and had, as in the case of white soldiers.

Non-acquiescence by the confederate authorities in both or either of these propositions will be regarded as a refusal on their part to agree to the further exchange of prisoners, and will be so treated by us.

I am, general, very respectfully, your obedient servant,

U. S. GRANT, *Lieutenant General.*

Major General B. F. Butler,
Comd'g Dep't Virginia and N. Carolina, Fortress Monroe, Va.

Headquarters Dep't of Virginia and North Carolina,
Office Com. for Exchange, Fort Monroe, Va., April 18, 1864.

Sir: I have the honor to request that you will inform me of the facts in connexion with the alleged execution of Captain Spencer Deaton, 6th Tennessee infantry, while a prisoner in the hands of your authorities.

I have the honor to be, very respectfully, your obedient servant,

BENJ. F. BUTLER,
Major General and Commissioner for Exchange.

Hon. Robert Ould,
Agent for Exchange, Richmond, Va.

Office Commissary General of Prisoners,
Washington, D. C., April 27, 1864.

General: I have several times given instructions to commanders of prison camps that rebel prisoners of war, when delivered on parole, shall not be permitted to take with them any more of the clothing issued to them by the government than is absolutely necessary; but these instructions are rarely, if at all attended to; and I beg leave to call your attention to the matter, with the request that you direct all surplus clothing in their possession of the character above described to be taken from them on the flag-of-truce boat, and returned to Point Lookout for reissue to other prisoners. They should not be permitted to take with them either caps, blankets, shoes, or great-coats, and I think it would be advisable to take even their coats from them.

Through the very liberal privilege granted them to purchase clothing, many of them will be returned to the enemy in a better condition for service than they were when captured. The rolls of the paroled prisoners recently arrived at Baltimore, promised to this office, are without the signature of Major Mulford, or other officer, and without remarks to explain the absence of men not delivered. I have therefore respectfully to request that you will direct Major Mulford to furnish me a list of all the prisoners received by him and not delivered at Baltimore, giving the date of death or cause of absence.

And I would also request that hereafter all rolls of paroled prisoners may be authenticated by the signature of an officer, and that all whose names are on the rolls may be properly accounted for.

Very respectfully, your obedient servant,

W. HOFFMAN,
Colonel 3d Infantry, Commissary General of Prisoners.

Major General B. F. BUTLER,
Commissioner for Exchange, Fort Monroe, Va.

NAVY DEPARTMENT, *April* 28, 1864.

SIR: I enclose herewith a copy of a communication received by the department from Clarence Miller, dated March 13, 1864, from Libby prison, Richmond, where he has been held for over a year, having been captured on the North Carolina coast in January, 1863, in consequence of the wreck of the vessel, the United States steamer Columbia, on which he was serving. He states in his letter the grounds of his detention.

By a declaration of exchange, in May, 1863, as reported by Colonel Ludlow on the 30th of that month to the Adjutant General of the United States, "all officers and men of the steamers Hatteras, Mercedita, Queen of the West, Harriet Lane, Isaac Smith, Columbia, Indianola, and schooner Vassar," were declared duly exchanged. Notwithstanding this, Clarence Miller is still held—not being recognized as a soldier, entitled to treatment as a prisoner of war.

There are others similarly situated, concerning whom the department had frequent correspondence with Lieutenant Colonel Ludlow. Is there no prospect of anything being done for them?

Very respectfully, &c.,

G. F. FOX, *Assist. Sec'y of Navy.*

Major General B. F. BUTLER, &c., &c.,
Fort Monroe, Va.

[Enclosure.]

LIBBY PRISON, *Richmond, Va., March* 13, 1864.

SIR: On the 11th of November, 1861, I shipped on board the gunboat Sciota, at Philadelphia, Pennsylvania, as landsman. In December, 1862, I was taken sick, and sent to Brooklyn hospital, New York; and as soon as I recovered my health, was sent to receiving ship North Carolina; from her to gunboat Columbia, commanding officer Captain Couiser, (Couthouy.) We were shipwrecked off Wilmington, North Carolina, in January, 1863, and I was taken prisoner by the confederates and sent to Richmond. Being of African descent, (though nearly white,) I have not been exchanged, as they do not recognize me as a soldier entitled to treatment as a prisoner of war. My home is in Philadelphia, Pennsylvania, and I am a freeman by birth. If it is in your power, I most earnestly request that you try and get me released.

I am, sir, very respectfully, your obedient servant,

CLARENCE MILLER.

Hon. GIDEON WELLES,
Secretary of the Navy.

P. S.—I send this through by an exchanged prisoner of war.

HEADQUARTERS DEP'T OF VIRGINIA AND NORTH CAROLINA,
Office Com'r for Exchange, Fort Monroe, Va., April 30, 1864.

SIR: I have the honor to call your attention to the case of Samuel McLanahan, a citizen of Clear Spring, Washington county, Indiana, who was taken prisoner while on a visit to his friends near Winchester, Va., and has since been held as such by your authorities. I have to request that you will cause him to be immediately released, as this government does not hold any confederate prisoners under similar circumstances.

I have the honor to be, very respectfully, your obedient servant,
BENJ. F. BUTLER,
Major General and Com'r for Exchange.

Hon. ROBERT OULD,
Agent for Exchange, Richmond, Va.

HEADQUARTERS DEP'T OF VIRGINIA AND NORTH CAROLINA,
Office Com'r for Exchange, Fort Monroe, Va., April 30, 1864.

SIR: I have the honor to call your attention to the following named citizens, prisoners, who are in confinement at Salisbury, N. C., viz:

1. Daniel Gearheart, a citizen of Miami county, Ohio, sixty years of age, who went to Winchester, Va., to see his son in the Union army, then sick; he was there made prisoner, and has since been held as such by your authorities.

2. Frank R. Duran, made prisoner while attending to his brother, who was dangerously sick at Oxford, Miss.

I have to request that you will immediately cause these men to be released, as we do not hold any confederate prisoners captured under similar circumstances.

I have the honor to be, very respectfully, your obedient servant,
BENJ. F. BUTLER,
Major General and Com'r for Exchange.

Hon. ROBERT OULD,
Agent for Exchange, Richmond, Va.

HEADQUARTERS DEP'T OF VIRGINIA AND NORTH CAROLINA,
Office Com'r for Exchange, Fort Monroe, Va., April 30, 1864.

SIR: Will you please inform me on what grounds Edward P. Davis, of Loudon county, Va., is now held as prisoner at Salisbury, N. C.? He was taken prisoner November 6, 1862.

I have the honor to be, very respectfully, your obedient servant,
BENJ. F. BUTLER,
Major General and Com'r for Exchange.

Hon. ROBERT OULD,
Agent for Exchange, Richmond, Va.

HEADQUARTERS DEP'T OF VIRGINIA AND NORTH CAROLINA,
Office Com'r for Exchange, Fort Monroe, Va., April 30, 1864.

SIR: I have the honor to request that you will furnish me with a report of the case of Thomas Pettitt, a citizen of Jackson county, Alabama, who was forcibly taken from his house on the 24th of August, 1863, by a body of the seventh Alabama cavalry, and is now confined in Richmond in irons.

I have the honor to be, very respectfully, &c.,
BENJ. F. BUTLER,
Major General and Com'r for Exchange.

Hon. ROBERT OULD,
Agent for Exchange, Richmond, Va.

HEADQUARTERS DEP'T OF VIRGINIA AND NORTH CAROLINA,
Fort Monroe, Va., May 1, 1864.

You will proceed with the flag-of-truce boat and prisoners to Annapolis, land the officers and prisoners there—making every possible despatch—return to Point Lookout; here you will take on board as many sick and wounded prisoners, not exceeding four hundred, (400,) as you may find, and return to Fort Monroe for orders.

I have the honor to remain, very respectfully, your obedient servant,

BENJ. F. BUTLER,
Major General, Commanding.

Major MULFORD,
Flag-of-truce Boat.

HEADQUARTERS DEP'T OF VIRGINIA AND NORTH CAROLINA,
In the field, September 27, 1864.

Get a full load of prisoners either at Fort Delaware, Point Lookout, or Fort McHenry.

BENJ. F. BUTLER,
Major General, Commanding

Major MULFORD, *Fort Monroe.*

[Telegram.]

HEADQUARTERS DEP'T OF VIRGINIA AND NORTH CAROLINA,
Fort Monroe, May 2, 1864.

Ould, the rebel commissioner of exchange, has declared, without consultation, all rebel prisoners delivered at City Point up to the 20th of April, exchanged. This he justifies under the fifth article of the cartel, General Orders 142, series of 1862.

These men will be sent into the field against us, and he claims he has a right so to do. I see no other way; and, as far as my judgment goes, I can see no harm in making a similar declaration upon our part, which will permit our officers and soldiers to take the field in opposition. It is now settled, under General Grant's order, that the exchange cannot go on. The rebels will make their theory of the colored soldiers a *sine qua non*, and upon this point the cartel is entirely annulled.

Please have this declaration made.

BENJ. F. BUTLER,
Major General, Commanding.

Hon. E. M. STANTON,
Secretary of War, Washington, D. C.

HEADQUARTERS DEP'T OF VIRGINIA AND NORTH CAROLINA,
Office Com. for Exchange, Fort Monroe, Va., May 3, 1864.

SIR: I have the honor to enclose you a letter from Brigadier General Dow, late a prisoner at Libby, with reference to the statement therein contained, with the indorsement, and to assure you that, unless I have assurances under the hand of the party therein named that the treatment set forth is either misrepresented or has ceased on the part of those you represent, I shall immediately

subject to as early similar treatment as possible a like number of confederate officers of equal rank, provided always I can find a place of confinement which shall come up to the descrip ion of General Dow. The attention of Mr. Commissioner Ould is fu ther respectfully called to the case of the Kentucky officer mentioned in General Dow's letter.

I have the honor to be, very respectfully, your obedient servant,

BENJ. F. BUTLER,
Major General, Commanding.

Hon. ROBERT OULD,
Agent for Exchange, Richmond, Va.

HEADQUARTERS DEP'T OF VIRGINIA AND NORTH CAROLINA,
Office Com. for Exchange, Fort Monroe, Va., May 4, 1864.

SIR: Will you please inform me as to the whereabouts and present condition of Leonard Albert Reese, company I, 116th Indiana volunteers, Erbud Simmonds, company D, 17th Massachusetts volunteers, captured near Newbern, North Carolina, February 1, 1864; Samuel Slavens, company E, 33d Ohio regiment, Samuel Shaw company I, 124th Ohio volunteers, R. W. Hurlburt, Arthur Taylor Kennedy, 1st Maryland regiment, H. W. Squires, company E, 141st New York volunteers, Henry Clay Tucker, John P. Webb, company C, 100th Ohio volunteers, Newton Gilbert, company K, 111th New York volunteers, John L. Nelson, company D, 1st Kentucky cavalry, Charles H. Boswell, company C, 36th Massachusetts volunteers, Frank O'Brine, company B, 1st Ohio regiment, Preston A. Champney, United States signal corps, John Whipple, jr., company C, 11th New Hampshire volunteers, Captain Robert Pollock, company D, 14th Pennsylvania cavalry, G. W. Johnson, company H, 21st Missouri infantry.

I have the honor to be, very respectfully, your obedient servant,

BENJ. F. BUTLER,
Major General and Commissioner for Exchange.

Hon. ROBERT OULD,
Agent for Exchange, Richmond, Va.

HEADQUARTERS DEP'T OF VIRGINIA AND NORTH CAROLINA,
In the field, Va., August 4, 1864.

SIR: Very probably you have had your attention called to the particulars of the engagement between the United States steamer Kearsarge and the steamer Alabama which claimed to sail under a flag and commission from your authorities.

It would seem from the reports, copies of which I enclose, of R. Semmes, captain, and John A. Winslow, captain, in command of the two vessels, that the Alab ma surrendered to the Kearsarge in a sinking condition; that her colors were then hauled down and a boat despatched to the Kearsarge to inform her of that condition; that the Kearsarge, although employed in picking up the drowning crew, was prevented from taking them all in actual custody by the sinking of the prize before she was actually boarded. Some of the Kearsarge's prisoners were picked up, at the request of Captain Winslow, by the British steamer yacht Greyhound.

Under the precedent set by this government in the case of the officers and crew of the United States steamer Mercedita, which surrendered to the ironclads which came out of Charleston in January, 1863, and although not taken possession of by the confederate forces, who were driven off before they had opportunity so to do, her officers and crew were regarded by this government

as prisoners of war, and were duly exchanged, equivalents being forwarded for them.

I am instructed by the government of the United States to bring this matter to your attention and notify you that the officers and crew of the Alabama at the time of her surrender are regarded by this government as prisoners of war, and that we shall expect, in each exchange for them, our officers and seamen prisoners in the south or on parole.

I also take leave to forward for your consideration, as bearing upon the subject-matter of this note, the report of a board of naval officers to the Secretary of the Navy of the United States, convened by his order to examine and report upon the questions here involved.

I take leave to ask that you will favor me with an early reply, stating whether you desire special exchanges for these prisoners, or whether you desire to let them stand as subject to the general cartel or other general negotiations as prisoners of war.

I have the honor to be, very respectfully, your obedient servant,

BENJ. F. BUTLER,
Major General and Com'r for Exchange.

Hon. ROBERT OULD,
Com'r for Exchange of Confed. Authorities, Richmond, Va.

OFFICE OF COMMISSARY GENERAL OF PRISONERS,
Washington, D. C., May 5, 1864.

GENERAL: By order of the Secretary of War I have directed the commanding officer at Camp Chase to forward to you Holland (or Harris H.) Taylor, a citizen prisoner, to be exchanged for Presley Janny, a citizen of Hampshire county, West Virginia, now in confinement at Danville, North Carolina.

It is stated that the exchange can be effected by Taylor if allowed to go within the confederate lines for the purpose, and the Secretary of War authorizes you to grant him the necessary parole upon being informed that the proposition will be accepted by the rebel authorities.

I am, general, very respectfully, your obedient servant,

W. HOFFMAN,
Colonel 3d Infantry, Com. Gen. of Prisoners.

Major General B. F. BUTLER,
Commissioner for Exchange, Fort Monroe, Va.

WAR DEPARTMENT,
Washington, D. C., May 6, 1864.

GENERAL: A letter has been received at this department from the Department of State, under date of the 5th instant, transmitting a copy of a communication from the British minister of the 29th ultimo, in which it is represented that there is reason to apprehend that several British subjects captured on board the steamers Don, Mary Ann, and Scotia are still held as prisoners by the United States government, at Camp Hamilton, near Fortress Monroe. In order to enable the department to reply to this allegation, the Secretary of War instructs me to request that you will cause an investigation to be made, and the result reported to him.

Very respectfully, your obedient servant,

ED. R. S. CANBY,
Brigadier General, Ass't Adj't General.

Major General B. F. BUTLER,
Fortress Monroe, Va.

OFFICE OF COMMISSARY GENERAL OF PRISONERS,
Washington, D. C., May 7, 1864.

GENERAL: I have the honor to enclose herewith a circular of regulations issued by authority of the War Department, which are to be observed at stations where prisoners of war are held. Copies will be furnished from this office to the commanders of military prisons in the department of Virginia and North Carolina.

I have the honor to enclose also copies of General Orders No. 190, from the War Department, defining the authority of the Commissary General of Prisoners over military prisons. The authority is mainly placed in my hands, but I will be obliged to beg the assistance of department commanders occasionally, and for your kind favors in this way I shall feel under many obligations.

I am, general, very respectfully, your obedient servant,

W. HOFFMAN,
Col. 3d Infantry, Commissary General of Prisoners.

Major General B. F. BUTLER,
Com'dg Dep't Va. and N. C., Headquarters, Fortress Monroe, Va.

OFFICE COMMISSARY GENERAL OF PRISONERS,
Washington. D. C., June 28, 1864.

GENERAL: I have the honor to inform you that, pursuant to instructions from the Secretary of War, the commanding officer at Fort Delaware has been directed to place Captain Jas. P. Browne, company K, 4th Tennessee cavalry; First Lieutenant B. J. Brailsford, company E, 1st Texas; First Lieutenant R. H. C. Bailey, company A, Foster's cavalry; and First Lieutenant A. F. Dozier, company F, 6th South Carolina Cavalry, in close confinement, (in cells,) in retaliation for the like confinement of certain federal officers in southern prisons, of which we have no specific information. By direction of the Secretary of War, I request you will give notice of the above order to the rebel authorities.

I am, general, very respectfully, your obedient servant,

W. HOFFMAN,
Captain and Ass't Adj't General.

Major General B. F. BUTLER,
Com'r for Exhange, Com'dg Dep't Va. and N. C.,
Headquarters, Fort Monroe, Va.

HEADQUARTERS DEP'T OF VIRGINIA AND NORTH CAROLINA,
In the field, Va., August 8, 1864.

SIR: I have the honor to forward the enclosed copies of certain papers relating to the treatment of officers captured on the expedition of General Kilpatrick.

From the circumstances here narrated I am led to say that I will make special exchange of all those officers, giving you such officers as you may desire of equal rank. I also have the honor further to inform you, that unless I receive from the officers statements that they are now well and properly treated as prisoners of war, I shall be under the necessity of putting in confinement an equal number of officers by us in like condition and treatment as described in enclosed paper. As you are aware, I have never desired nor favored retaliation

except upon belief that nothing else would answer to preserve the lives and health of our soldiers, and, much as I regret the painful necessity, I certainly shall be obliged to carry out my intentions.

I have the honor to be, very respectfully, your obedient servant,

BENJ. F. BUTLER,
Major General and Com'r for Exchange.

Hon. ROB'T OULD,
Commissioner for Exchange.

HEADQUARTES DEP'T OF VIRGINIA AND NORTH CAROLINA,
In the field, Va., August 10, 1864.

SIR: Dr. James P. Hambleton has been for many months a prisoner of war in Fort Monroe. He is in some way connected with the southern press. A. D. Richardson has been in Libby prison as a prisoner since April, 1863. He was captured on a steamboat in the Mississippi river. He is connected with the northern press.

Will you exchange one for the other? Hambleton claims that he has a paper from you saying you will do so, and upon this he vexes all my friends and me continually. Please say definitely that you will or that you will not, so that I can stop his mouth.

I have the honor to be, very respectfully, your obedient servant,

BENJ. F. BUTLER,
Major General and Com'r for Exchange.

Hon. ROBERT OULD,
Commissioner for Exchange.

HEADQUARTERS DEP'T OF VIRGINIA AND NORTH CAROLINA,
In the field, Va., August 10, 1864.

SIR: Fred. Clark, a private in the 7th Maine volunteers, was taken prisoner some time in December at Mine Run. It is supposed he may have died in the Mayo hospital, Richmond, but it is not made certain. You will do me a great favor by having it ascertained and report.

I have the honor to be, very respectfully, your obedient servant,

BENJ. F. BUTLER,
Major General and Com'r for Exchange.

Hon. ROB'T OULD,
Agent for Exchange, Richmond, Va.

WAR DEPARTMENT, ADJUTANT GENERAL'S OFFICE,
Washington, September 12, 1864.

Exchange of prisoners of war.

The following letter from Major General Butler, commissioner of exchange, indicates the present condition of the subject of exchanges of prisoners of war:

HEADQUARTERS DEP'T OF VIRGINIA AND NORTH CAROLINA,
In the field, August —, 1864.

SIR: Your note to Major Mulford, assistant agent of exchange, under date of 10th of August, has been referred to me.

You therein state that Major Mulford has several times proposed to exchange

prisoners respectively held by the two belligerents, officer for officer and man for man, and that "the offer has also been made by other officials having charge of matters connected with the exchange of prisoners;" and that "this proposal has been heretofore declined by the confederate authorities;" that you now consent to the above proposition, and agree to deliver to you [Major Mulford] the prisoners held in captivity by the confederate authorities, provided you agree to deliver an equal number of officers and men. As equal numbers are delivered from time to time they will be declared exchanged. This proposal is made with the understanding that the officers and men on both sides who have been longest in captivity will be first delivered, where it is practicable.

From a slight ambiguity in your phraseology, but more, perhaps, from the antecedent action of your authorities, and because of your acceptance of it, I am in doubt whether you have stated the proposition with entire accuracy.

It is true a proposition was made both by Major Mulford and by myself, as agent of exchange, to exchange *all* prisoners of war taken by either belligerent party, man for man, officer for officer, of equal rank, or their equivalents. It was made by me as early as the first of the winter of 1863–'64, and has not been accepted. In May last I forwarded to you a note, desiring to know whether the confederate authorities intended to treat colored soldiers of the United States army as prisoners of war. To that inquiry no answer has yet been made. To avoid all possible misapprehension or mistake hereafter, as to your offer now, will you now say whether you mean by "prisoners held in captivity," colored men, duly enrolled and mustered into the service of the United States, who have been captured by the confederate forces; and if your authorities are willing to exchange *all* soldiers so mustered into the United States army, whether colored or otherwise, and the officers commanding them, man for man, officer for officer?

At an interview which was held between yourself and the agent of exchange on the part of the United States, at Fortress Monroe, in March last, you will do me the favor to remember the principal discussion turned upon this very point; you, on behalf of the confederate government, claiming the right to hold all negroes, who had heretofore been slaves and not emancipated by their masters, enrolled and mustered into the service of the United States, when captured by your forces, not as prisoners of war, but, upon capture, to be turned over to their supposed masters or claimants, whoever they might be, to be held by them as slaves.

By the advertisements in your newspapers, calling upon masters to come forward and claim these men so captured, I suppose that your authorities still adhere to that claim; that is to say, that whenever a colored soldier of the United States is captured by you, upon whom any claim can be made by any person residing within the States now in insurrection, such soldier is not to be treated as a prisoner of war, but is to be turned over to his supposed owner or claimant, and put at such labor or service as that owner or claimant may choose; and the officers in command of such soldiers, in the language of a supposed act of the Confederate States, are to be turned over to the governors of States, upon requisitions, for the purpose of being punished by the laws of such States for acts done in war in the armies of the United States.

You must be aware that there is still a proclamation by Jefferson Davis, claiming to be chief executive of the Confederate States, declaring in substance that all officers of colored troops mustered into the service of the United States were not to be treated as prisoners of war, but were to be turned over for punishment to the governors of States.

I am reciting these public acts from memory, and will be pardoned for not giving the exact words, although I believe I do not vary the substance and effect. These declarations on the part of those whom you represent yet remain unrepealed, unannulled, unrevoked, and must therefore be still supposed to be

authoritative. By your acceptance of our proposition, is the government of the United States to understand that these several claims, enactments, and proclaimed declarations are to be given up, set aside, revoked, and held for naught by the confederate authorities, and that you are ready and willing to exchange, man for man, those colored soldiers of the United States, duly mustered and enrolled as such, who have heretofore been claimed as slaves by the Confederate States, as well as white soldiers?

If this be so, and you are so willing to exchange these colored men claimed as slaves, and you will so officially inform the government of the United States, then, as I am instructed, a principal difficulty in effecting exchanges will be removed.

As I informed you personally, in my judgment, it is neither consistent with the policy, dignity, or honor of the United States, upon any consideration, to allow those who, by our laws solemnly enacted, are made soldiers of the Union, and who have been duly enlisted, enrolled, and mustered as such soldiers—who have borne arms in behalf of this country, and who have been captured while fighting in vindication of the rights of that country—not to be treated as prisoners of war, and remain unexchanged and in the service of those who claim them as masters; and I cannot believe that the government of the United States will ever be found to consent to so gross a wrong.

Pardon me if I misunderstood you in supposing that your acceptance of our proposition does not in good faith mean to include all the soldiers of the Union, and that you still intend, if your acceptance is agreed to, to hold the colored soldiers of the Union unexchanged, and at labor or service, because I am informed that very lately, almost cotemporaneously with this offer on your part to exchange prisoners, and which seems to include *all* prisoners of war, the confederate authorities have made a declaration that the negroes heretofore held to service by owners in the States of Delaware, Maryland, and Missouri, are to be treated as prisoners of war when captured in arms in the service of the United States. Such declaration, that a part of the colored soldiers of the United States were to be prisoners of war, would seem most strongly to imply that others were not to be so treated; or, in other words, that colored men from the insurrectionary States are to be held to labor and returned to their masters, if captured by the confederate forces while duly enrolled and mustered into and actually in the armies of the United States.

In the view which the government of the United States takes of the claim made by you to the persons and services of these negroes, it is not to be supported upon any principle of national or municipal law.

Looking upon these men only as property, upon your theory of property in them, we do not see how this claim can be made; certainly not how it can be yielded. It is believed to be a well-settled rule of public international law, and a custom and part of the laws of war, that the capture of movable property vests the title to that property in the captor, and therefore, when one belligerent gets into full possession property belonging to the subjects or citizens of the other belligerent, the owner of that property is at once divested his title, which rests in the belligerent government capturing and holding such possession. Upon this rule of international law all civilized nations have acted, and by it both belligerents have dealt with all property, save slaves, taken from each other during the present war.

If the confederate forces capture a number of horses from the United States, the animals are immediately claimed to be, and, as we understand it, become the property of the confederate authorities.

If the United States capture any movable property in the rebellion, by our regulations and laws, in conformity with the international law and the laws of war, such property is turned over to our government as its property. Therefore, if we obtain possession of that species of property known to the laws of

the insurrectionary States as slaves, why should there be any doubt that that property, like any other, vests in the United States?

If the property in the slave does so vest, then the "*jusdisponendi*," the right of disposing of that property, rests in the United States.

Now, the United States have disposed of the property which they have acquired by capture in slaves taken by them, by giving that right of property to the man himself, to the slave—*i. e.*, by emancipating him and declaring him free forever; so that if we have not mistaken the principles of international law and the laws of war, we have no slaves in the armies of the United States. All are free men, being made so in such manner as we have chosen to dispose of our property in them which we acquired by capture.

Slaves being captured by us, and the right of property in them thereby vested in us, that right of property has been disposed of by us by manumitting them, as has always been the acknowledged right of the owner to do to his slave. The manner in which we dispose of our property while it is in our possession certainly cannot be questioned by you.

Nor is the case altered if the property is not actually captured in battle, but comes either voluntarily or involuntarily from the belligerent owner into the possession of the other belligerent.

I take it no one would doubt the right of the United States to a drove of confederate mules, or a herd of confederate cattle, which should wander or rush across the confederate lines into the lines of the United States army. So it seems to me, treating the negro as property merely, if that piece of property passes the confederate lines and comes into the lines of the United States, that property is as much lost to its owner in the Confederate States as would be the mule or ox, the property of the resident of the Confederate States, which should fall into our hands.

If, therefore, the principles of international law and the laws of war used in this discussion are correctly stated, then it would seem that the deduction logically flows therefrom, in natural sequence, that the Confederate States can have no claim upon the negro soldiers captured by them from the armies of the United States because of the former ownership of them by their citizens or subjects, and only claim such as result, under the laws of war, from their capture merely.

Do the confederate authorities claim the right to reduce to a state of slavery free men, prisoners of war, captured by them? This claim our fathers fought against under Bainbridge and Decatur, when set up by the Barbary powers on the northern shore of Africa, about the year 1800, and, in 1864, their children will hardly yield it upon their own soil.

This point I will not pursue further, because I understand you to repudiate the idea that you will reduce free men to slaves because of capture in war, and that you base the claim of the confederate authorities to re-enslave our negro soldiers when captured by you upon the "*jus post limini*," or that principle of the law of nations which rehabilitates the former owner with his property taken by an enemy, when such property is recovered by the forces of his own country. Or, in other words, you claim that, by the laws of nations and of war, when property of the subjects of one belligerent power captured by the forces of the other belligerent, is recaptured by the armies of the former owner, then such property is to be restored to its prior possessor, as if it had never been captured; and, therefore, under this principle your authorities propose to restore to their masters the slaves which heretofore belonged to them which you may capture from us.

But this postliminary right under which you claim to act, as understood and defined by all writers of national law, is applicable simply to *immovable property*, and that, too, only after the complete subjugation of that portion of the country in which the property is situated, upon which this right fastens

itself. By the laws and customs of war this right has never been applied to *movable* property.

True it is, I believe, that the Romans attempted to apply it in the case of slaves, but for two thousand years no other nation has attempted to set up this right as ground for treating slaves differently from other property.

But the Romans even refused to re-enslave men captured from opposing belligerents in a civil war, such as ours unhappily is.

Consistently, then, with any principle of the law of nations treating slaves as property merely, it would seem to be impossible for the government of the United States to permit the negroes in their ranks to be re-enslaved when captured, or treated otherwise than as prisoners of war.

I have forborne, sir, in this discussion, to argue the question upon any other or different grounds of right than those adopted by your authorities in claiming the negro as property, because I understand that your fabric of opposition to the government of the United States has the right of property in man as its corner-stone. Of course it would not be profitable in settling a question of exchange of prisoners of war to attempt to argue the question of abandonment of the very corner-stone of their attempted political edifice. Therefore, I have admitted all the considerations which should apply to the negro soldier as a man, and dealt with him upon the confederate theory of property only.

I unite with you most cordially, sir, in desiring a speedy settlement of all these questions, in view of the great suffering endured by our prisoners in the hands of your authorities, of which you so feelingly speak. Let me ask, in view of that suffering, why you have delayed eight months to answer a proposition which, by now accepting, you admit to be right, just, and humane, allowing that suffering to continue so long? One cannot help thinking, even at the risk of being deemed uncharitable, that the benevolent sympathies of the confederate authorities have been lately stirred by the depleted condition of their armies, and a desire to get into the field, to affect the present campaign, the hale, hearty, and well-fed prisoners held by the United States, in exchange for the half-starved, sick, emaciated, and unserviceable soldiers of the United States now languishing in your prisons. The events of this war, if we did not know it before, have taught us that it is not the northern portion of the American people alone who know how to drive sharp bargains.

The wrongs, indignities, and privations suffered by our soldiers would move me to consent to anything to procure their exchange, except to barter away the honor and faith of the government of the United States, which has been so solemnly pledged to the colored soldiers in its ranks.

Consistently with national faith and justice, we cannot relinquish this position. With your authorities it is a question of property merely. It seems to address itself to you in this form: Will you suffer your soldier, captured in fighting your battles, to be in confinement for months rather than release him by giving for him that which you call a piece of property, and which we are willing to accept as a man?

You certainly appear to place less value upon your soldier than you do upon your negro. I assure you, much as we of the north are accused of loving property, our citizens would have no difficulty in yielding up any piece of property they have in exchange for one of their brothers or sons languishing in your prisons. Certainly there could be no doubt that they would do so were that piece of property less in value than five thousand dollars in confederate money, which is believed to be the price of an able-bodied negro in the insurrectionary States.

Trusting that I may receive such a reply to the questions propounded in this note as will lead to a speedy resumption of the negotiations for a full exchange

of all prisoners, and a delivery of them to their respective authorities, I have the honor to be, very respectfully, your obedient servant,

BENJ. F. BUTLER,
Major General and Com'r for Exchange.

Hon. ROBERT OULD,
Commissioner for Exchange.

Official:

E. D. TOWNSEND,
Assistant Adjutant General.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Exchange Bureau, Richmond, August 10, 1864.

SIR: You have several times proposed to me to exchange the prisoners respectively held by the two belligerents, officer for officer and man for man. The same offer has also been made by other officials having charge of matters connected with the exchange of prisoners. This proposal has heretofore been declined by the confederate authorities, they insisting upon the terms of the cartel, which required the delivery of the excess on either side upon parole. In view, however, of the very large number of prisoners now held by each party, and the suffering consequent upon their continued confinement, I now consent to the above proposal, and agree to deliver to you the prisoners held in captivity by the confederate authorities, provided you agree to deliver an equal number of confederate officers and men. As equal numbers are delivered from time to time, they will be declared exchanged.

This proposal is made with the understanding that the officers and men on both sides who have been longest in captivity will be first delivered when it is practicable. I shall be happy to hear from you as speedily as possible whether this arrangement can be carried out.

Respectfully, your obedient servant,

ROBERT OULD, *Agent for Exchange.*

Maj. JOHN E. MULFORD,
Assistant Agent for Exchange.

HEADQUARTERS DEP'T OF VIRGINIA AND NORTH CAROLINA,
August 18, 1864.

SIR: I have the honor to enclose to you for your information a copy of a letter from Captain John A. Winslow, of the United States ship Kearsarge, forwarded to me by the honorable Secretary of the Navy.

I have the honor to be, very respectfully, your obedient servant,

BENJ. F. BUTLER,
Major General and Com'r for Exchange.

Hon. ROBERT OULD,
Commissioner for Exchange, Richmond, Va.

HEADQUARTERS DEP'T OF VIRGINIA AND NORTH CAORLINA,
In the field, Virginia, August 18, 1864.

SIR: Your attention is called to the within communication of Brigadier General Wessels in relation to the money recently taken from the officers and prisoners of war in the hands of the confederate authorities. Most of the gentlemen

whose statements are appended are known to me, and I know they can be relied upon. Of course this money will be restored, and I only need to bring it to your attention to have it done so.

Please return the papers, so that I may make a report.

I have the honor to be, very respectfully, your obedient servant,

BENJ. F. BUTLER,
Major General and Com'r for Exchange.

Hon. ROBERT OULD,
Commissioner for Exchange, Richmond, Va.

HEADQUARTERS DEP'T OF VIRGINIA AND NORTH CAROLINA,
August 18, 1864.

GENERAL: I have the honor to enclose to you a few of the applications and orders about special exchanges, to which I wish to call your attention; also a copy of a letter written this morning to Major General Hitchcock, commissioner of exchange at Washington, upon the subject of his indorsement "that an exchange would be very desirable," and also a direction from the Secretary of War upon the necessity of making some arrangement about the treating of our prisoners in cases of supposed retaliation.

As these papers are original, may I ask you the favor that they shall be returned?

I have the honor to be, very respectfully, your obedient servant,

BENJ. F. BUTLER,
Major General and Com'r for Exchange.

Lieut. General GRANT,
Com'dg Armies of the U. S., City Point.

NAVY DEPARTMENT, CONFEDERATE STATES,
Richmond, Va., August 20, 1864.

SIR: In your official note of the 2d of October, 1863, addressed to Commander W. A. Webb, Confederate States navy, are the following paragraphs: "Yesterday a list of the officers of the Atlanta held by the United States, with an equal list now in confinement in the south, was forwarded to General Meredith, United States agent for the exchange of prisoners, with a suggestion that he should see Mr. Ould and propose an especial exchange in these cases, general exchanging having been stopped for reasons unknown to me. If you desire to forward a letter upon the subject to Richmond, I will have it placed in the hands of Mr. Ould. You and your officers are detained in consequence of the authorities at Richmond declining to respond to any action on the part of this department to effect exchanges."

Neither this paper nor the proposition it embraces ever reached Mr. Ould or this department. Mr. Ould informs me that some six weeks ago he made a verbal proposition to Major Mulford, an agent for the exchange of prisoners, being precluded from communicating in writing with General Butler, to exchange mutually all naval officers and men, and to give an equivalent to whichever side might hold an excess. No notice whatever has been taken of this proposition.

A letter from Mr. Fox, dated the 25th of June last, marked unofficial, and addressed to Captain W. A. Webb, and which has been transmitted to me by Commander Webb, Confederate States navy, contained the following paragraph:

"I again repeat, by authority of the Secretary of the Navy, that you and your comrades can be exchanged collectively or individually at any convenient southern port for naval equivalents; and that you may be convinced that the

responsibility of your future detention does not rest with this department, I am authorized to forward your communication to Mr. Mallory, and if you see fit you can send him a copy of this note."

Regarding this proposition as embracing the exchange of all our naval officers, and as coming with your authority, it is accepted; and I will further propose that it be extended to marines and all others in the naval service. To avoid delay and the possibility of a misunderstanding of any desire for this exchange, Lieutenant Commander Williams is released on his parole to proceed to Washington and deliver this communication.

I am, respectfully, your obedient servant,

S. R. MALLORY,
Secretary of the Navy.

Hon. GIDEON WELLES,
Secretary of the Navy of the U. S., Washington, D. C.

STEAMER NEW YORK, FLAG OF TRUCE,
Varina, Va., August 22, 1864.

SIR: Having been informed that Major Nathan Goff, a federal officer, is held by the confederate authorities in close confinement, said to be in retaliation for a prisoner similarly held by the United States authorities in the person of Major Thomas D. Armsby, Confederate States army, I now propose the release and delivery to their respective governments of each of the above named parties and in case you accept this proposition, will deliver to you on my next trip Major Armsby. Will you do it?

I am, sir, very respectfully, your obedient servant,

JOHN E. MULFORD,
Major and Assistant Agent for Exchange.

Hon. ROBT. OULD,
Agent for Exchange, Richmond, Va.

[Indorsement.]

I accept this proposition. I would further suggest that all difficulties connected with the detention of officers and men on both sides in close confinement or irons can be satisfactorily adjusted on the basis herein indicated. Let all prisoners of war on each side be released from confinement (close) or irons, as the case may be, and either placed in the condition of other prisoners or sent to their respective homes for their equivalents.

RO. OULD,
Agent for Exchange.

RICHMOND, VA., *August* 22, 1864.

SIR: Enclosed is a copy of a communication which, on the 10th instant, I addressed and delivered to Major John E. Mulford, assistant agent for exchange. Under the circumstances of the case, I deem it proper to forward this paper to you, in order that you may fully understand the position which is taken by the confederate authorities. I shall be glad if the proposition therein made is accepted by your government.

Respectfully, your obedient servant,

RO. OULD,
Agent for Exchange.

Major General E. A. HITCHCOCK,
U. S. Commissioner for Exchange.

WASHINGTON, D. C., *September* 3, 1864.

SIR: The proposition by Colonel Ould, of the 22d ultimo, indorsed upon a communication from yourself, transmitted to this office in the following words, to wit: that "all prisoners of war on each side be released from confinement (close) or irons, as the case may be, and either placed in the condition of other prisoners or sent to their respective homes for their equivalents," has been submitted this morning to the Secretary of War, who directs that it be accepted.

Orders have been sent to Colonel Hoffman, commissary general of prisoners, to give immediate effect on our part to this accepted proposition, and you are requested so to advise Colonel Ould, in order that no time may be lost in carrying the proposition into effect on his part.

There has been some delay here in order to make the necessary inquires to ascertain the individuals to be affected by the proposition, and I learn of but three prisoners on our side in the condition presumed by the proposition, to wit: Daniel Davis, a lieutenant under sentence of a military court; Frank Battles, a captain under special instructions from the commissary general of prisoners, and Wm. McBlair, temporarily confined for an attempt to elude a hospital guard. You can furnish Colonel Ould with this statement, as an answer to his inquiry on the subject.

We shall expect, of course, to be informed within reasonable time of the full completion of this business on the part of Colonel Ould, and that all prisoners of war held in close confinement or in irons in the south are placed in the condition of other prisoners. I take this occasion to remark that Colonel Ould appears to have been under a misapprehension with regard to the number of prisoners of war held in close confinement on this side, as well as the reasons governing particular cases.

Very respectfully, your obedient servant,

E. A. HITCHCOCK,
Maj. Gen. of Vols., Com'r for Exchange of Prisoners.

Major JOHN E. MULFORD.

FIFTH AVENUE HOTEL,
New York, September 5, 1864.

To the Editor of the Times:

Enclosed I send you a note from the agent of exchange of prisoners to the confederate commissioner Mr. Ould, in reply to his offer to accept, in part, propositions made by me eight months since to exchange all prisoners of war held by either belligerent party.

Without awaiting my reply, Mr. Ould has printed his offer, for which purpose it seems to have been made. I am, therefore, driven to the same mode of placing my justification of the action of this government in possession of the public before it reaches the confederate commissioner.

Respectfully,

BENJ. F. BUTLER,
Major General and Com'r for Exchange.

OFFICE ASSISTANT AGENT FOR EXCHANGE OF PRISONERS,
Fort Monroe, Va., September 8, 1864.

SIR: I am authorized to inform you of the acceptance by the federal authorities of your proposition for the release "of all prisoners of war on each side from confinement (close) or irons, as the case may be, and either placed in th

e con-

dition of other prisoners, or sent to their respective homes for their equivalents." Orders have issued for carrying into effect this arrangement on our part.

I am also instructed to say, that after inquiry we learn of but three prisoners on our side in the condition presumed by the proposition, viz: Lieutenant Daniel Davis, under sentence of military court, Captain Frank Battles, under special instructions from commissary general of prisoners, and Wm. McBlair, temporarily confined for an attempt to elude a guard.

I will thank you for a list of the prisoners held in the south to be affected by this proposition, and a statement of your action in the matter.

Our authorities are of the opinion that you are under a misapprehension with regard to the number of prisoners of war held by them in close confinement.

I am, very respectfully, your obedient servant,

JNO. E. MULFORD,
Major and Assistant Agent for Exchange.

Hon. R. OULD,
Agent for Exchange, Richmond, Va.

HEADQUARTERS DEP'T OF VIRGINIA AND NORTH CAROLINA,
In the field, September 9, 1864.

SIR: I propose that the belligerent parties, waiving all other questions, shall from time to time exchange all sick and invalid officers and men who from wounds or sickness shall, in the judgment of the party holding them, be unfit for duty, and likely to remain so for sixty (60) days.

I make this proposition in order to alleviate the sufferings of those unable to bear the confinement incident to a prisoner of war, and whose condition might be benefited by the comforts of home, and medical treatment by their friends.

I trust and believe that this measure of obvious humanity will meet your agreement, as I am satisfied no advantage can accrue to either party by retaining such men in confinement. As a further evidence of the strong desire on the part of this government to expose their soldiers to as little hardship as possible, consistently with such action as they feel called upon to take to observe their good faith, pledged alike to all soldiers, although it will involve the government in a very considerable expense, yet, to save the sick and suffering a long and tedious transportation by rail, I will receive such invalid officers and soldiers of the United States as may be confined in the States of North and South Carolina and Georgia at Fort Pulaski, near Savannah, and will transport thither any such invalids of the confederate forces as may be in our possession who can be more easily carried thither. Other invalid prisoners in the western department I will deliver at such ports on the Mississippi river as may hereafter be agreed upon; the invalid soldiers of the United States, to be received in exchange therefor who are convenient to the points. Full rolls of the invalids so exchanged to be kept, so that the equivalents may be adjusted hereafter.

Asking as early as possible attention to this proposition, I have the honor to be your obedient servant, &c.,

BENJ. F. BUTLER,
Major General and Com'r for Exchange.

Hon. ROBERT OULD.

HEADQUARTERS DEP'T OF VIRGINIA AND NORTH CAROLINA,
In the field, September 9, 1864.

SIR: As by the act of the confederate authorities, passed in February 17, 1864, "all white men residents of the Confederate States, between the ages of

seventeen (17) and fifty (50) shall be in the military service of the Confederate States for the war," I am instructed to notify you that all white persons between those ages, residents of the Confederate States, captured by our forces, will be held and deemed to be soldiers of the confederate army, and will be treated as prisoners of war, and held for exchange.

I have the honor to be, very respectfully,

BENJ. F. BUTLER,
Major General and Com'r for Exchange.

Hon. R. Ould.

Headquarters Dep't of Virginia and North Carolina,
In the field, September 9, 1864.

Sir: I have the honor to propose an exchange of all persons captured by one belligerent employed in the merchant or transport service of the other belligerent, men under charges of crime alone excepted, to be delivered for exchange at such convenient points as may hereafter be agreed upon.

I have the honor to be, very respectfully, your obedient servant, &c.

BENJ. F. BUTLER,
Major General and Com'r for Exchange.

Hon. Robert Ould.

Headquarters Dep't of Virginia and North Carolina,
In the field, September 9, 1864.

General: I forward you a copy of informal inquiries, made by the confederate agent of exchange of me. Please at the earliest moment possible furnish me with full official data, by which I shall be able to make intelligent answers. I think they can be advantageously used in my negotiations with the confederate commissioner.

I have the honor to be, very respectfully, your obedient servant, &c.,

BENJ. F. BUTLER.
Major General and Com'r for Exchange.

Major General Hitchcock,
Agent for Exchange, Washington, D. C.

Dr. Alexander Greenwood, recruiting in Mason Co., Tennessee, on the 28th September, 1863, with his friend Campbell, was shot after capture, Campbell being killed, and Greenwood badly wounded in the head, and arm broken. This was done by a regiment of Kentucky troops.

Lieutenant Petticord, of Morgan's command, and several others, were shot just before Christmas, 1863, by the 71st Ohio regiment, under special orders from Brigadier General E. A. Paine, without trial. There is a witness who saw the dead bodies after execution.

Surgeon D. D. Carter, Grigsby's Kentucky cavalry, is now in confinement in Fort Lafayette. He was captured in July, 1863, and has been held ever since in one prison or another. Why is this? Major W. J. Elliot is in solitary confinement at Fort Delaware. He is an officer of the confederate service. Why is this?

Captains D. C. Douglas, Davis, Smith, and Miller are in solitary confinement at Johnson's island. Witnesses have been there. Why is this?

Einbert, Hearn, and Lyon, recently condemned to death as spies in Maryland, are regularly enlisted in company B, Maryland (Baltimore) cavalry. They

left in March last, to visit their relations in Maryland, expecting to return in a short time. They were arrested. In no sense are they spies. This can be proved. Rogers, the other convicted party, is a blockade runner.

Is it intended to visit with the death penalty such an offence, if it be one? If these men have not been executed, what is proposed to be done with them? Mr. Huddleson, a citizen of Prescott county, Virginia, an old man, has been confined for a year in camp Chase. He is perfectly harmless, and I am satisfied if his case is looked into he will be released. He is charged with no offence.

It is represented that Mr. Lamar of Tennessee (formerly an editor) was shot at Fort McHenry, about the 15th of July last. Will you please make inquiry into the fact? John H. Bowers, and Philip Trammell, regular confederate soldiers, belonging to Colonel Moseby's command, have been sent to the Albany penitentiary, for what term I am not informed. These men are as regularly in our service as any soldier in General Lee's army. Why is this done? Unless these men are released, prompt and efficient measures of retaliation will be taken. This is not the first time Moseby's men have been so treated. Unless they are released, Major Forbes and Captain Manning, of the 2d Massachusetts cavalry, will be sent to a similar place of confinement.

HEADQUARTERS DEP'T OF VIRGINIA AND NORTH CAROLINA,
In the field, September 10, 1864.

SIR: Will you please inform me if William S. Collins, company B, 28th Massachusetts volunteers, is a prisoner in the hands of your authorities; and if so, his whereabouts and present condition?

I have the honor to be, your obedient servant, &c.,

BENJ. F. BUTLER,
Major General and Com'r for Exchange.

Hon. ROB'T OULD.

HEADQUARTERS DEP'T OF VIRGINIA AND NORTH CAROLINA,
In the field, September 10, 1864.

Please have put forward Lieutenant George Lemmon, aide-de-camp to General Archer, confederate forces, now at Johnson's island. Lieutenant Lemmon afforded much kindness to Union prisoners in Richmond.

BENJ. F. BUTLER,
Major General Commanding.

Colonel HOFFMAN.

OFFICE ASSIST. AGENT FOR EXCHANGE OF PRISONERS,
Fort Monroe, Va., September 13, 1864.

GENERAL: I have the honor to forward for your information copies of correspondence between myself and Hon. Robert Ould, agent for exchange, Richmond, Virginia, on the subject of the release of prisoners in confinement (close) or irons, my letter being based upon instructions contained in yours to me of September 3, 1864.

I am, very respectfully, your obedient servant,

JOHN E. MULFORD,
Major and Assist. Agent for Exchange.

Major General HITCHCOCK,
Com'r Exchange of Prisoners, Washington, D. C.

CONFEDERATE STATES OF AMERICA,
War Department, Richmond, Va., September 12, 1864.

SIR: Your communication of the 10th instant, accepting a proposition made by me some time ago, that "all prisoners of war on each side be released from confinement (close) or irons, as the case may be, and either placed in the condition of other prisoners or sent to their respective homes for their equivalents," has been received.

You do not state whether these parties are to be mutually surrendered or to be held as prisoners of war. I would prefer that they should all be delivered, the party having the excess to receive proper equivalents. Please inform me what is the understanding in this respect. You are very much mistaken in supposing that there are only three prisoners held by the federal authorities in close confinement or irons. Besides those named by you, there are George P. Sims, W. S. Burgess, John Marrs, and Thomas M. Campbell, at Johnson's island, and Captain Gordon, at Fort Delaware.

I was also notified on the 18th of July last, that "the commanding officer at Fort Delaware had been ordered by the Secretary of War to place Captain James P. Brown, company K, Tennessee cavalry; First Lieutenant B. J. Brailford, company E, 1st Texas; First Lieutenant R. H. C. Bailey, company A, Foster's cavalry; and First Lieutenant A. W. Dozier, company F, 6th South Carolina cavalry, in close confinement, (in cells.") I am quite confident also that there is a number of our officers and soldiers in close confinement in irons or at hard labor at Alton. I think some will also be found at St. Louis and in other prisons east and west.

Since the receipt of your communication I have received one from General Butler in relation to the same subject matter. He proposes to except from the operation of the agreement "those under charges or regularly convicted before some competent tribunal of offence known to municipal laws, the laws of nations or of war." This offer I cannot accept. Have you one confederate soldier in close confinement or in irons who is not under charges or has not been regularly convicted? Is there any probability that we will ever agree as to the true interpretation of the "laws of nations or of war?" We have not yet, and never will. I have no objection to the proposition as far as it relates to "municipal laws," for the confederate government has always held that soldiers are responsible to the proper authorities for crimes committed by them before or after capture.

I sincerely hope that in this matter we will have no misunderstanding. It is my desire that all on both sides who are in close confinement or in irons shall be be immediately released and put in the condition of other prisoners of war. I make no exceptions, save where the officer or soldier has offended against municipal laws.

I will thank you to communicate the proposition contained in this letter to General Hitchcock, and let me know at an early date whether it is accepted by your government.

Respectfully, your obedient servant,

RO. OULD, *Agent for Exchange.*

Major JOHN E. MULFORD,
Assistant Agent for Exchange.

HEADQUARTERS DEP'T OF VIRGINIA AND NORTH CAROLINA,
In the field, Virginia, September 13, 1864.

SIR: I have the honor to enclose herewith five propositions as to matters relating to the exchange of prisoners made by me to Mr. Ould, together with a printed copy of my note of August 27, also forwarded to him.

I have as yet received no formal answer to either of my propositions, but I am informed, unofficially, that the proposition to exchange invalid prisoners will be accepted, and that I may prepare and send down to Fort Pulaski transportation for at least (5,000) five thousand invalid men forthwith. This I shall at once proceed to do to make all possible provision for the comfort of our sick soldiers. If my action is approved, please direct the Commissary General of Prisoners to inform me at what points, and how many of the confederate invalids, not fit for service within (60) sixty days, will be ready, that my boat may take them for delivery. As soon as they can be got ready I propose to take them down by the same transportation that brings our men up.

Perhaps it may not be out of place to say that all these propositions received the sanction of the lieutenant general commanding.

If my action is approved, I pray early attention on the part of the Commissary General of Prisoners, as I will endeavor to be ready to move the confederate sick as soon as they are ready for me.

I have the honor to be, very respectfully, your obedient servant,

BENJ. F. BUTLER,
Major General and Com'r for Exchange.

Hon. E. M. STANTON,
Secretary of War.

WASHINGTON CITY, D. C.,
September 17, 1864.

SIR: In answer to your letter of the 9th instant, transmitting certain questions proposed by Mr. Ould, I have the honor to enclose all of the information in my power, in the paper signed by Colonel Hoffman.

Very respectfully, your obedient servant,

E. A. HITCHCOCK,
Major General of Volunteers.

Maj. Gen. B. F. BUTLER, *U. S. A.*

OFFICE COMMISSARY GENERAL OF PRISONERS,
Washington, D. C., September 17, 1864.

GENERAL: I have the honor to enclose herewith a memorandum, in reply to the inquiries made by the rebel agent through Major General Butler, commissioner for exchange, for information in relation to certain rebel prisoners in our hands—Dr. Alexander Greenwood and —— Campbell.

Nothing is known to this office of the transaction referred to. Lieutenant Petticord, of Morgan's command, and seven others—no record of this transaction. Surgeon D. D. Carter, of Grigsby's Kentucky cavalry, known on the rolls as Charles Drake's guerilla company, Kentucky cavalry, was captured on blockade runner Whistle, June 4, 1864, not 1863, and is held as a prisoner of war. Major W. P. Elliott was placed in close confinement at Fort Delaware in retaliation for similar confinement of Major Goff, of the 4th West Virginia cavalry, at Richmond. On August 19 he was released from close confinement and sent to the hospital in consequence of ill health, and Major Mills was put in his place, but on the 3d of September he and all other prisoners in close confinement were ordered to be released and placed on the footing of other prisoners of war. Captains D. C. Douglass, Davis, Smith, and Miller are in solitary confinement at Johnson's island. Why is this?

There is no Captain Douglass at Johnson's island, and no D. C. Douglass. There are several prisoners of the name of Douglass, but none in close confine-

ment. There are several Smiths and several Millers at Johnson's island, but none in close confinement. There were three men there recently under sentence; they were not officers, and are now held as other prisoners. Embert, Hearn, Lyon, and Rogers are charged with acting as spies Sentenced to be hung on the 29th of August, 1864, as promulgated in General Orders No. 61, department headquarters, dated Baltimore, Maryland, August 8, 1864. Sentence commuted by the President to hard labor in the penitentiary at Albany, New York, during the war. Transferred, in charge of Lieutenant Arthur Morris, to the penitentiary at Albany, New York, September 4, 1864, pursuant to Orders No. 274, War Department, Adjutant General's office, Washington, D. C., August 3, 1864. William Huddleston, 1st lieutenant 15th Arkansas cavalry, company A, captured at Natchez, Mississippi, January 3, 1864, transferred from Camp Chase to Fort Delaware, where he is held as a prisoner of war. Lieutenant Colonel Eugene Lamar, 4th Louisiana infantry, captured in Baltimore December 29, 1863, as a supposed spy. Escaped May 15, 1864.

John H. Barnes and Philip Trammell were sent from the Old Capitol prison to the penitentiary at Albany, under sentence of general court-martial, per general court-martial orders, No. 202, of War Department, Adjutant General's office, dated July 22, 1864.

I am, general, very respectfully, your obedient servant,

W. HOFFMAN,

Colonel 3d Infantry, Commissary General of Prisoners.

Major General E. A. Hitchcock,

Comm'r for Exchange, Washington, D. C.

P. S.—Since writing the foregoing, by your instructions of this date, the prisoners who were released from close confinement on the 3d instant, under the proposed arrangement with the rebel authorities, that all prisoners so held should be released by both parties, have been returned to close confinement, except in the case of Major Mills, Major Goff having been exchanged, the rebel agent having deferred action on the proposition.

W. H.

Headquarters Dep't of Virginia and North Carolina,
In the field, September 18, 1864.

Sir: I have the honor to call your attention to the letter of the 3d of September, of Major General Hitchcock to Major Mulford, and also to the reply of Mr. Ould thereto, under date of September 12.

The proposition of Mr. Ould, to which General Hitchcock's letter is an answer, and an acceptance was made to me, and I replied to it as follows, carefully guarding the reply by excepting those under charges, or regularly convicted before some competent tribunal of offences known to municipal law, the laws of nations or of war. General Hitchcock seems to have made no such exception in his acceptance. Does General Hitchcock mean that all the prisoners of war whom we have convicted of offences shall be released, treated as prisoners of war, or sent home for their equivalent?

Unless this is the desire of the department, and it is intended so to release these men we have under conviction, the proposition of General Hitchcock appears to be not sufficiently guarded. I am sorry General Hitchcock did not address his communication to me instead of Major Mulford. Mr. Ould has been in the habit of addressing his communications to Major Mulford upon some supposed freak of non-recognition of myself as agent of exchange.

But suppose such reason does not exist for the action of General Hitchcock, and take it to be a mere oversight. It will be seen that Mr. Ould is willing to

make exception of those convicted or held under charges of breaches of municipal law, but not of the laws of war or of nations, and he expressly puts into his exception whether the breaches of municipal law occurred before or after the capture of the prisoners of war.

In that sentence of Mr. Ould there is ground for very careful reflection, because the Confederate States hold that the freeing of slaves is a breach of their municipal law, and they may claim to hold any one of our prisoners of war as excepted from the proposition because of some supposed breach of their laws in regard to slaves. Indeed, that is the very ground of Davis's proclamation in regard to turning over officers of the United States to the governors of the several rebel States for punishment; and I think that before we should agree to the proposition finally, this matter should be very carefully scanned and critically examined. To do this certainly will require the application of a single mind to the business of negotiation, or, if more than one mind is brought to bear upon it, they must be minds acting in concert and making propositions upon careful consultation.

Therefore, I respectfully ask that the propositions of General Hitchcock may be submitted to me before being sent, so that we may not be, apparently, at cross purposes in our negotiations.

Awaiting instructions, I have the honor to be, very respectfully, your obedient servant,

BENJ. F. BUTLER,

Hon. EDWIN M. STANTON,
Secretary of War.

[By Telegraph from Washington, D. C.]

UNITED STATES TELEGRAPH,
September 22, 1864.

To Major General BUTLER:

You are authorized by the Secretary of War to recruit a regiment of volunteer infantry at Point Lookout, as requested in your letter of September 15. The term of service will be for one, two, or three years, as the men may elect. Recruitment, reorganization, and muster to conform to existing regulations.

Officers will be appointed in accordance with the requirements of circular No. (62) sixty-two from this office. Arms and other supplies will be furnished on your requisition.

So soon as recruited the regiment will be reported to the Adjutant General, with the view to its being ordered to the northern frontier.

THOMAS M. VINCENT,
Assistant Adjutant General.

HEADQUARTERS DEP'T OF VIRGINIA AND NORTH CAROLINA,
In the field, September 24, 1864.

Official:

ISRAEL R. SEALEY,
Captain and A. A. G.

HEADQUARTERS ARMY OF THE JAMES,
September 25, 1864—11 *a. m.*

Major Mulford leaves City Point this morning with six hundred (600) officers and soldiers, mostly disabled, except in case of special exchange. There are at least (600) six hundred more in and about Richmond for another load.

Please get ready (600) six hundred of disabled confederates either at Point Lookout or Fort Delaware, preferably the latter, for return trip.

Nearly (30) thirty died out of (500) five hundred in the last load. Instruct the surgeons to send none who are in that condition. The occurrence does not speak well either for the government or its officials.

The rebel commissioner of exchange agrees to deliver us at Fort Pulaski all the sick in Georgia by the tenth of next month, to the number of at least (5,000) five thousand. I am preparing transportation for (5,000) five thousand disabled confederates, to be carried down by the same transports that bring ours up. Please assemble them from the various camps and hospitals to points where they can be reached by the boats, and notify me.

I have the honor to be, very respectfully, your obedient servant,

BENJ. F. BUTLER,

Major General and Com'r for Exchange.

Colonel HOFFMAN,

Commissary General of Prisoners,, Washington, D. C.

HEADQUARTERS ARMY OF THE JAMES,

September 25, 1864—8.30 *p. m.*

I have made arrangements with Mr. Ould to give me at least (5,000) five thousand of our sick men in Georgia and South Carolina, and take what equivalent we may have. I have offered to take them at Fort Pulaski as an act of humanity, because I think that railroading through the confederacy, with such accommodations as they would get, would bring many of them to their death. He will receive on the Mississippi or its tributaries, at such points as may be agreed upon, all the sick we may have at the western camps, and will be glad to do it for the same reason. After the boat load up the river, we may as well send our balance down with the same transportation to Fort Pulaski.

Please advise me, looking on the matter in the light of this despatch.

I have the honor to be, very respectfully, your obedient servant,

BENJ. F. BUTLER,

Major General and Com'r for Exchange.

Colonel HOFFMAN,

Com. General of Prisoners, Washington, D. C.

HEADQUARTERS DEP'T VIRGINIA AND NORTH CAROLINA,

September 28, 1864—8.15 *p. m.*

The (1,000) one thousand invalid prisoners of which you spoke better be sent to Point Lookout. I will see that they are furnished with transportation to Fort Pulaski. On the going up of the flag-of-truce boat I will arrange with Mr. Ould as to where he will receive the invalid prisoners on the Mississippi.

I have the honor to be, very respectfully, your obedient servant,

BENJ. F. BUTLER,

Major General and Com'r for Exchange.

Colonel HOFFMAN,

Com. General of Prisoners, Washington, D. C.

HEADQUARTERS ARMY OF THE JAMES, IN THE FIELD,
JUNCTION OF THE VARINA AND NEW MARKET ROADS,
September 27, 1864—1.45 *p. m.*

Please send me any man of equal rank in exchange for Captain Ives. He has been long in prison, and I think he deserves it.

BENJ. F. BUTLER,
Major General and Com'r for Exchange.

Colonel HOFFMAN,
Com. General of Prisoners, Washington.

HEADQUARTERS DEP'T OF VIRGINIA AND NORTH CAROLINA,
In the field, September 27, 1864.

GENERAL: Despatch received. Please understand that Ould will give us the five thousand, whether we send down so many sick or not, if we send those that we have on this coast, and afterwards those in the interior, as many as we can.

BENJ. F. BUTLER,
Major General and Com'r for Exchange.

Colonel W. HOFFMAN,
Com. General of Prisoners, Washington, D. C.

[Telegram]

HEADQUARTERS DEP'T OF VIRGINIA AND NORTH CAROLINA,
In the field, September 27, 1864.

Major MULFORD, *Fort Monroe:*

Get a full load of prisoners either at Fort Delaware, Point Lookout, or Fort McHenry.

BENJ. F. BUTLER,
Major General and Com'r for Exchange.

HEADQUARTERS ARMY OF THE JAMES,
September 30, 1864—7.50 *p. m.*

Telegram received. Captain Ives will be exchanged. Surgeon Bentley shall be brought to Mr. Ould's notice, if I can find him.

I have the honor to be, very respectfully, your obedient servant,

BENJ. F. BUTLER,
Major General, Commanding.

Colonel W. HOFFMAN,
Com. General of Prisoners, Washington, D. C.

HEADQUARTERS, JUNCTION VARINA AND NEW MARKET ROADS,
In the field, October 4, 1864.

I am informed that certain prisoners of war are now employed at labor in making army material for your forces. It is so published, without contradiction, in two Richmond journals.

If this be so, the practice must cease. This government have never employed prisoners of war in any other work than that which contributed to their own comfort and convenience. If this fact is not either officially denied or assur-

ances given that it will be stopped by your authorities, I shall be compelled to employ an equal or greater number of your men, prisoners in my hands, in the manner judged by me most advantageous to my army, as you have done with ours.

I have the honor to be, very respectfully, your obedient servant,

BENJ. F. BUTLER,
Major General and Com'r for Exchange.

ROBERT OULD, Esq.,
Commissioner for Exchange.

IN THE FIELD, HEADQAURTERS,
Junction of Varina and New Market Roads, October 4, 1864.

SIR: Major Mulford, my assistant agent of exchange, has at Varina about (700) seven hundred invalid prisoners for delivery.

For obvious reasons, they cannot be received by you there, and in the present state of the roads it would be cruel to transport them far by wagons.

I would suggest that they be delivered at Port Walthall, at the same point where it is proposed to deliver the naval prisoners.

If so, the prisoners will be delivered there at any hour you may name.

We will also receive yours at the same point. Or, if you prefer, we will deliver at the point on the New Market roads between the pickets.

Respectfully, your obedient servant,

BENJ. F. BUTLER,
Major General and Com'r for Exchange.

ROBERT OULD, Esq.,
Commissioner for Exchange.

HEADQUARTERS ARMY OF THE JAMES,
October 5, 1864—5.30 *p. m.*

Reverend Isaac Wholly will be forwarded.

BENJ. F. BUTLER,
Major General and Com'r for Exchange.

Colonel HOFFMAN,
Commissary of Prisoners, Washington, D. C.

HEADQUARTERS ARMY OF THE JAMES, *October* 8, 1864.

Lieutenant Colonel Mulford leaves Varina to-morrow morning with (1,300) thirteen hundred prisoners, officers and men. He will be at Annapolis on the 10th. I desire all the sick and disabled up to (600) six hundred to be got ready at once, so as not to detain his boat.

Please inform Colonel Mulford, at Annapolis, at what point he will get them. I further desire that the sick and wounded of the confederate prisoners this side of the mountains be gathered at once at Baltimore, Fort Delaware, and Point Lookout, so that they may be taken to Savannah and exchanged for our men. Please notify me at what time they will be ready, and I will provide transportation.

The special exchanges, so far as possible, have been effected.

BENJ. F. BUTLER,
Major General and Com'r for Exchange.

Colonel HOFFMAN,
Commissary General of Prisoners.

HEADQUARTERS NEAR VARINA,
October 7, 1864—7.30 *a. m.*

Despatches relating to Lieutenant Colonel Herbert, Captains McBeth, Norris, and Henry, received, and the propositions will be sent to Mr. Ould.

BENJ. F. BUTLER,
Major General and Com'r for Exchange.

Colonel HOFFMAN.

HEADQUARTERS ARMY OF THE JAMES,
In the field, October 9, 1864.

SIR: An attempt was made this morning by private Roucher, company B, 5th Pennsylvania cavalry, to commit a rape on the persons of Mrs. Minsen and Mrs. Anderson, living on the Darbytown road.

On the outrage being discovered he broke through our picket line and fled for your lines. Our soldiers chased him, but were unable to overtake him.

I have therefore the honor to request that you will return him, that I may inflict the punishment that his dastardly offence merits.

I cannot be responsible for the good conduct of my soldiers if they are to find protection from punishment by entering your lines.

I have the honor to be your obedient servant, &c.,

BENJ. F. BUTLER,
Major General and Com'r for Exchange.

Hon. ROBERT OULD,
Commissioner for Exchange, Richmond, Va.

WAR DEPARTMENT,
Washington City, October 10, 1864.

GENERAL: With reference to your communication of the 18th ultimo, in which regret is expressed that in certain correspondence between General Hitchcock, Major Mulford, and Commissioner Ould, General Hitchcock did not address you instead of Major Mulford, I have to state that General Hitchcock reports that, though on the occasion in question he was referred to by Major Mulford during your absence from your habitual station, yet all his communications to Major Mulford have been intended for you, and in most of them it had been so stated.

I am, general, very respectfully, your obedient servant,

C. A. DANA,
Assistant Secretary of War.

Major General B. F. BUTLER,
Commanding Dep't of Virginia and North Carolina.

HEADQUARTERS ARMIES OF THE UNITED STATES,
City Point, Va., October 11, 1864.

GENERAL: I enclose you the letter of the President to me, together with all other papers relating to the exchange of naval prisoners of war now in the James river, and turn the whole matter over to you to conduct.

In our conversation yesterday I explained the point in Secretary Welles's correspondence which the President was afraid might involve us in trouble if

retained by him. In conducting this exchange, ignore all that has been done heretofore in the matter, but make the exchange man for man, yielding no point before insisted on.

Very respectfully, your obedient servant,

U. S. GRANT,
Lieutenant General.

Major General B. F. BUTLER,
Commanding Army of the James.

HEADQUARTERS ARMY OF THE JAMES,
October 12, 1864.

SIR: I enclose marked copies of the Richmond Enquirer of the 12th, showing that the officers paroled at Charleston are ordered into service by the confederates. Ought there not to be some declaration on our part?

I have the honor to be, very respectfully, your obedient servant,

BENJ. F. BUTLER,
Major General Commanding.

Col. W. HOFFMAN,
Commissary General of Prisoners.

HEADQUARTERS ARMY OF THE JAMES,
October 12, 1864.

Commanding Officer Confederate Forces on north side of James river:

I send a flag of truce herewith, under charge of Lieutenant Colonel Kensel, inspector general, for the purpose of conveying to the Hon. Robert Ould, agent of exchange for the confederate forces, certain communications which Lieutenant Colonel Kensel will hand you, also a package of letters, such as usually go by a flag of truce, and also to inform you that a flag will be received from you to convey the replies, at or near the same point.

I have the honor to be, very respectfully, your obedient servant,

BENJ. F. BUTLER,
Major General Commanding.

NAVY DEPARTMENT,
Washington, D. C., October 10, 1864.

SIR: With regard to the proposed exchange of naval prisoners, the department desires to call your attention to the case of the officers and crew of the rebel steamer Alabama, whom we regard as prisoners of war, and hold that we are entitled to equivalents for them. The principal facts are stated in the accompanying copy of a letter addressed, on the 27th of August last, by the Assistant Secretary of the Navy to Major General Butler.

It is supposed Captain Mclancton Smith has turned over to you the several letters of this department respecting the proposed exchange. In addition to those therein mentioned as on parole, seventeen others of our seamen, captured in the Queen City, have reported themselves at Mound City, having been paroled.

Very respectfully,

GIDEON WELLES,
Secretary of the Navy.

Lieut. Gen. U. S. GRANT,
Commander-in-Chief, &c., City Point, Va.

NAVY DEPARTMENT,
Washington, D. C., July 27, 1864.

SIR: You are doubtless furnished with the circumstances connected with the destruction of the Alabama by the Kearsarge. The Alabama surrendered to the Kearsarge, but before she could be taken possession of, sunk from the wounds received in the engagement. Some of her officers and crew were rescued by the Kearsarge, others were picked up by the British yacht Deerhound, and carried to England, and a few succeeded in reaching the coast of France.

Although a large number of them did not come into our possession actually, they had been surrendered to us and must be looked upon as prisoners of war, as much so as were the officers and crew of the United States steamer Mercedita, which surrendered to the iron-clads that came out of Charleston in January, 1863, who, although they were not taken possession of, were regarded as prisoners of war, and were duly exchanged, we having equivalents for them.

Will you, in behalf of this department, bring this matter to the attention of Colonel Ould, agent for exchange, and notify him officially that the officers and crew of the Alabama at the time of her surrender are regarded by this government as prisoners of war, and that we shall expect in exchange for them their equivalent of our officers and seamen imprisoned in the south or on parole. I enclose herewith copies of the report of Captains Winslow and Semmes relative to the action, and also of a board of officers appointed by the department to examine into and report upon the status of the officers and crew of the Alabama.

Very respectfully,

GIDEON WELLES,
Secretary of the Navy.

Maj. Gen. B. F. BUTLER *&c., &c., Fort Monroe.*

[Endorsement.]

HEADQUARTERS ARMIES OF THE UNITED STATES,
City Point, Va., October 13, 1864.

Respectfully submitted to Major General B. F. Butler for his action.

By command of Lieutenant General Grant.

T. S. BOWERS, *A. A. G.*

HEADQUARTERS ARMY OF THE JAMES,
In the field, October 12, 1864.

SIR: I enclose herewith affidavits showing the employment of one hundred and ten (110) United States colored soldiers by the military officers of the confederate forces in the trenches near Fort Gilmer—a practice justified by no rule of war or claim heretofore made by the confederate authorities. I have ordered a like number of the officers and soldiers captured by us (preferring as many of the Virginia reserve forces, by whom this outrage is being done, as I have captured) into the canal at Dutch Gap, and put them at hard labor, and shall continue to add to their number until this practice is stopped.

I have the honor to be, very respectfully, your obedient servant,

BENJ. F. BUTLER,
Major General Commanding.

Hon. ROB'T OULD,
Commissioner for Exchange, Richmond, Va.

HEADQUARTERS ARMY OF THE JAMES, *October* 12, 1864.

James F. Knight, company F, 59th Virginia regiment, put into the 1st regiment Virginia reserves, being duly sworn, deposes and says, that on Thursday, the 6th, and on Friday, the 7th instant, he was on duty with his regiment, (1st Virginia reserves,) and that on one of the above-mentioned days, which he does not now definitely remember, he, with his company, (company A, 1st regiment Virginia reserves,) went from their camp, which was then on the intermediate line near the Derbytown road to Richmond, Virginia, and took from Libby prison about eight-two (82) colored men who were there as captured prisoners of war, and brought them to the intermediate lines between the Newmarket and Derbytown roads, where they were put to work throwing up intrenchments; and where, to the best of his knowledge and belief, they now remained, doing work in the manner described above, he having left them on the morning of this day. Deponent further says, that they were clad in uniform.

JAMES F. KNIGHT.

Sworn to and subscribed before me this 12th day of October, 1864.

JOHN J. DAVENPORT,
Aide-de-camp and Assist. Provost Marshal.

HEADQUARTERS ARMY OF THE JAMES, *October* 12, 1864.

Chapman Dinking, of Yadkin county, North Carolina, member of the 38th North Carolina regiment, put into the Virginia local reserves, lately stationed at Fort Gilmer, on oath deposes and says, that coming to Fort Gilmer on the night of Thursday, the 6th of October, he found one hundred and ten (110) colored soldiers in the uniform of the United States, captured in the recent engagements, at work in the trenches at Fort Gilmer, without sufficient food, so that they were exchanging their clothes for food with the confederate soldiers. Deponent further says, that he left the confederate lines on the night of the 11th instant, and that when he left the trenches they were still at work.

CHAPMAN DINKING.

Sworn to and subscribed before me this 12th day of October, 1864.

JOHN J. DAVENPORT,
Aide-de-camp and Assist. Provost Marshal.

HEADQUARTERS ARMY OF THE JAMES, *October* 12, 1864.

Samuel Hutchings, of the 38th North Carolina regiment, lately put into the Virginia local reserves, and stationed at Fort Gilmer, on oath deposes and says, that coming to Fort Gilmer on the night of Thursday, the 6th of October, he found about one hundred negroes, colored soldiers, clad in the uniform of the United States, captured in the recent engagement, at work in the trenches at and near Fort Gilmer. Deponent further says, that he left the confederate lines on the night of the 11th instant, and that when he left the trenches they were still at work.

his
SAMUEL × HUTCHINGS.
mark.

Sworn to and subscribed by making his mark in my presence and before me this 12th day of October, 1864.

JOHN J. DAVENPORT,
Lieut. and Aide-de-camp, Assist. Provost Marshal.

HEADQUARTERS ARMY OF THE JAMES, *October* 12, 1864.

Samuel Miller, of battery C, 18th Virginia batallion of artillery, being duly sworn, deposes and says, that he, with his company, has been for some weeks past stationed at battery No. 8, situated on the intermediate lines between the Charles City and Darbytown roads, and that to his personal knowledge he knows of some twenty-five to eighty colored prisoners of war, clad in the uniform of the United States, to have been kept at work on fortifications and intrenchments in that vicinity, and upon that line, since Thursday, the 6th instant. Deponent also further says, that he knows of numbers of them having been obliged to trade their clothes and shoes with the confederate soldiers for food, owing to an insufficiency being furnished them.

SAM. MILLER.

Sworn to and subscribed before me this 12th day of October, 1864.

JOHN J. DAVENPORT,
Lieut. and Aide-de-camp, Assist. Provost Marshal.

HEADQUARTERS ARMY OF THE JAMES,
October 12, 1864.

SIR: I enclose a copy of an advertisement cut from a Richmond paper, where a military officer commanding a camp near Richmond calls upon their masters to come forward and make claim to the services and labor of certain colored men therein described. Some of these are believed to be soldiers of the United States army, captured in arms.

If I am mistaken in this belief, I desire to be promptly corrected. I have ordered to such manual labor as I deem most fitting to meet the exigency an equal number of prisoners of war held by us, and I shall continue to order to labor captives in war to an equal number of all the soldiers of the United States I have reason to believe are held to labor and service by the forces you represent, until I am notified that this practice on your part has ceased. Much as I regret the necessity imposed upon me to do this, yet I am compelled by the sternest convictions of duty thus to inaugurate a system of retaliation which will be firmly carried out.

I have the honor to be, very respectfully, your obedient servant,

BENJ. F. BUTLER,
Major General Commanding.

Hon. ROBERT OULD,
Com'r for Exchange, Richmond, Va.

[From the Richmond Examiner of Tuesday, October 11, 1864.]

NOTICE.

HEADQUARTERS CAMP OF INSTRUCTION,
Richmond, October 8, 1864.

In accordance with the provisions of general orders No. 25, adjutant and inspector general's office, last series, the owners of the following negroes will call at this camp and prove their claims, as required by act of Congress:

Junius, slave of Thad's Dillard, Surrey county, Virginia.
Philip, slave of John Fisher, Essex county, Virginia.
Elijah, slave of Luther Bryan, Company F, 5th S. C. regiment.
James Bush, slave of Griffin Bush, Montgomery county Virginia.

Revel Garrison, slave of Ed. Garrison, Accomac county, Virginia.
Rich'd Saunders, slave of George Strother, Stafford county, Virginia.
Geo. Washington, slave of Calvin Goodlow, Franklin county, Virginia.
George and William, slaves of Dr. Charles Weiseger, Chesterfield county, Virginia.
Jim, slave of Wm. Graham, Fort Monroe, Virginia.
Gray, slave of B. Barnes, Wayne county, North Carolina.
George, slave of Mrs. Morrison, Allegheny county, Virginia.
Charles, slave of Mr. Ashton, Portsmouth, Virginia.

By order of Major T. G. Peyton.

L. O. PETTUS, *Lieut. and Adj't.*

Official:

W. H. TAYLOR, *Lieut. Col., A. A. G.*

Official:

W. H. HATCH, *Capt. and A. D. C.*

Official copy:

SIDNEY B. DE KAY, *Lieut. and A. D. C.*

HEADQUARTERS ARMY OF THE JAMES,
October 12, 1864.

SIR: As commissioner of exchange for this government to negotiate exchanges with the belligerents represented by yourself, I propose to exchange all the prisoners in your naval service which we hold for all the prisoners in our naval service taken by you which you hold, man for man, according to the equivalents of assimilated rank set forth in the cartel, the excess to be made up in officers and men on either part from the army.

In making this proposition, I repose with confidence upon your statement to Major Mulford, that you would exchange all the naval prisoners so taken, without distinction.

I have these men at City Point, ready for delivery, and will deliver them at Cox's ferry at such time, after five hours' notice, as you may designate.

I have the honor to be, very respectfully, your obedient servant,

BENJ. F. BUTLER,
Major General Commanding.

Hon. ROBERT OULD,
Agent for Exchange, Richmond, Va.

HEADQUARTERS ARMY OF THE JAMES,
In the field, October 12, 1864.

GENERAL: I send, by orderly, copies of correspondence between myself and Mr. Ould. I also enclose the affidavits upon which my action is based. The ratification to Mr. Ould of my action will actually get to him before it is consummated. I think you will agree with me that the evidence is conclusive. You will find a copy of the advertisement of which I speak in one of my letters in the Richmond Examiner, which I sent you yesterday. If you approve my action, may I ask you to forward the papers, with your approval, to the War Department.

BENJ. F. BUTLER,
Major General Commanding.

Lieut. General GRANT, *City Point.*

HEADQUARTERS ARMY OF THE JAMES,
October 13, 1864.

SIR: I have the honor to forward two letters from the Navy Department, dated, respectively, July 27 and October 10, 1864, by which you will see that my government claim the officers and crew of the steamer Alabama as prisoners of war, paroled, for whom equivalents are expected.

I have the honor to be your obedient servant,

BENJ. F. BUTLER,
Major General and Com'r for Exchange.

Hon. ROBERT OULD,
Agent for Exchange, Richmond, Va.

HEADQUARTERS ARMY OF THE JAMES,
October 14, 1864—4.45.

No agreement has yet been made. Major Mulford is now out meeting Mr. Ould.

BENJ. F. BUTLER, *Major General, &c.*

Lieut. General U. S. GRANT,
Com'dg Armies of U. S., City Point.

WASHINGTON CITY, D. C., *October* 14, 1864.

GENERAL: On the 19th ultimo I addressed a note to Major Mulford, conveying the authority of the Secretary of War for the exchange of Lieutenant Markbreit, naming three rebel officers of his rank, either of whom were to be delivered for Lieutenant Markbreit. I have no information that the exchange has been effected; and the Secretary of War now directs me to say that you can propose for the exchange of Lieutenant Markbreit, to deliver any officer of his grade in our hands who may be designated by the rebel commissioner for him. This proposal to extend to the individual officer for whom, in alleged retaliation, Lieutentant Markbreit was placed in cell confinement. For your personal information, I feel at liberty to advise you that the President takes a special interest in this case, and desires that the exchange may be accomplished.

I desire to say that in addressing Colonel Mulford, as I have in several instances heretofore, I have regarded him as your staff officer in the department in which he is acting, without supposing in any case his independence, but that he would act in all cases under your instructions, general or special. I think I fell into this habit during your absence in New York some weeks since.

Very respectfully, your obedient servant,

E. A. HITCHCOCK, *Major General Vols.*

Major General BUTLER, *U. S. A.*

HEADQUARTERS ARMY OF THE JAMES,
October 18, 1864—9 *p. m.*

COLONEL: Lieutenant Colonel Mulford has delivered to the confederate agent of exchange, Mr. Ould, ninety (90) naval officers and men of the confederate service. He has received three hundred and twenty-three (323) officers and men of our naval service, including five (5) negroes, which he claims are all the negroes captured of our naval service. It is agreed between Ould and myself that I shall deliver any other naval prisoners which we have, and he will

deliver all the naval prisoners, black or white, that he has, and he desires from us a list of any others which are supposed to be in the possession of the confederates.

He also wishes any other prisoners of their naval service which we have to be sent forward. He thinks there are some at Elmira and some at Fort Delaware.

Please have inquiry made at our depots, because I am to deliver to him any equivalents according to assimilated rank for the excess.

Please have these naval men assembled at Point Lookout, so that I may take them when we go to Savannah. Colonel Mulford will be in Annapolis on Thursday morning; immediately afterwards we shall embark as soon as possible all the invalid prisoners we can get up to five thousand (5,000) to be exchanged at Fort Pulaski for invalid prisoners in the hands of the confederates. Colonel Mulford has also four hundred and fifty (450) army prisoners, including twenty-seven (27) officers.

BENJ. F. BUTLER, *Major General, &c.*

Colonel HOFFMAN,
Com. General of Prisoners, Washington, D. C.

HEADQUARTERS ARMY OF THE JAMES,
October 20, 1864—9.50 *p. m.*

Your telegram concerning the official despatch of General Lee regarding the prisoners at work in the rebel trenches is received. Orders have been issued returning to-night the prisoners at Dutch Gap. A copy of the order will be sent you in the morning.

BENJ. F. BUTLER, *Major General, &c.*

Lieutenant General GRANT, *City Point.*

HEADQUARTERS ARMY OF THE JAMES,
In the field, October 26, 1864.

Having, in obedience to orders by telegraph, received on board the fleet of vessels which Colonel Webster, chief quartermaster, has been ordered to place at your disposal, all invalid confederate prisoners of war as certified to me by Colonel Hoffman in the eastern camps held by us, you will proceed to Fort Pulaski with your prisoners and there tender them for exchange, according to the agreement made between the commissioner of exchange on the part of the United States and the agent of exchange for the confederate authorities, and there receive on board all the prisoners belonging to the United States which shall be given you by the confederate authorities.

You will also inform the confederate authorities that there are from 2,500 to 3,000 invalid prisoners within the agreement ready for delivery on the Mississippi river as soon as the point shall be designated. They are in the western camps. As this matter of the exchange of prisoners is managed, in behalf of the military authorities of the United States, through the agent of exchange, you will take no direction upon the subject except from the commissioner of exchange or the Secretary of War. This direction is given you because your business at Fort Pulaski will be within the department of General Foster; and to save all possible conflict of authority, you will report your arrival and business to the commander of the department, so that your operations may not interfere with any military movements within his lines.

You will doubtless be obliged to go into Port Royal with your large ships and load them with your smaller vessels from the inside passage, which will be more conducive to the comfort of the men and safety of your fleet. As soon as

you get one of the largest vessels loaded, you will send it forward to Annapolis; and if you can receive more prisoners than your fleet can accommodate, order her to return. You will allow one agent of either the Christian or Sanitary Commission on each vessel. You will take competent pilots, and see that your vessels are well watered. You will draw from the quartermaster such extra clothing, blankets, and other articles as may be necessary for the comfort of the prisoners. The United States government will by no means stint these men who have suffered so much in anything for their comfort as soon as they come within our jurisdiction. For other details I must depend upon your judgment, zeal, and activity in the service.

In the matter which has been discussed between the United States government and the confederate authorities providing for their respective prisoners, you are authorized to offer the confederate military authorities the following terms:

It is understood that prisoners of both sides complain of their treatment by those having them in charge, in shelter, food, clothing, and hospital stores. You will then offer, on the part of the United States—

First. That the United States will furnish food according to its discretion, to the prisoners held by the confederate authorities, delivering it at the nearest seaport to the place where the prisoners are held, the confederate authorities to furnish transportation from the point of delivery. The United States will furnish its prisoners in the hands of the confederate authorities, delivered in like manner, with such articles of clothing, and other necessary articles, including tea, coffee, tobacco, and stationery, as they may judge expedient, delivered in like manner. The United States will furnish such hospital stores as they deem expedient to their prisoners, delivered and to be transported in like manner. The United States will furnish such shelter to their prisoners as they deem expedient, delivered in like manner. The United States, on the other hand, will permit the confederate authorities to furnish, at such points as they may choose, confederates held as prisoners of war with shelter, food, clothing, including blankets and hospital stores, at the discretion of the confederate authorities; or if preferred by the confederate authorities, the United States will permit the confederate authorities to purchase from the quartermaster, commissary, and medical departments of the United States such food and clothing, including blankets, as the confederate authorities may choose for their prisoners, at such prices paid by the United States for such articles, except the uniform of the soldiers of the United States, which will not be permitted to be worn by the confederate prisoners, and the United States will permit to be purchased in the markets of the United States such clothing as the confederate authorities may choose, including blankets, to furnish to the confederate prisoners of war, all to be paid for in the legal currency of the United States, or the United States will receive in payment for such goods so sold by them, cotton, upon the terms and conditions upon which cotton is pledged for the confederate loan in Europe, and will permit such cotton to be sent from any port in the United States, whether such ports are in the possession of the confederate authorities or otherwise, or we will receive such cotton in payment at any port to be designated by the confederate authorities in the United States, or whether said port is in the possession of the confederate authorities or otherwise, for all articles. The United States will also permit the purchase of tents, at the price paid by the United States, for shelter to the confederate prisoners held by them, upon the same terms and conditions as the purchase of provisions and supplies. Hospital stores may be furnished upon the same condition by the confederate authorities.

All these to be receipted for and distributed and expended by a board of three (3) officers from the prisoners of war held by either side above the rank of company officers at each prison, who shall be paroled for that purpose, and shall have full liberty to communicate with the commissioner of exchange of the confederate authorities and the United States in open letters. It being un-

derstood and agreed that no article permitted by either government for the use of its prisoners shall be upon any pretext or for any cause whatever diverted from the use for which they are dedicated; and any surplus of articles furnished by the United States or by the confederate authorities is to be returned to the place where received by either party and put at the disposal of the party owning the same.

Any other minor details not provided for in these instructions will be the subject of further just and equitable arrangement.

It is further understood and agreed that either party shall have the privilege of putting a surgeon on each board of officers herein provided for.

All these terms are believed to be so manifestly equitable and just, and will so relieve either party from complaints of the other party, that it is hoped they will be accepted. If in any minor points any objections are made on the part of the confederate authorities, you will report the objections, and they will be carefully considered, and, unless vital, will be yielded to. These terms you will will write out separately from your letters of instruction or propositions for agreement, and certify them officially, so that there may be no mistake in the terms offered.

If, as may be the case, it is objected by the confederate authorities that the United States had a larger number of prisoners taken from the confederate army than the confederate authorities hold taken from the army of the United States, and that therefore accepting these terms will impose a burden upon the confederate authorities greater than that assumed by the United States, although such claims would not apparently be well founded; yet, the government of the United States being very anxious to relieve in so far as they may their prisoners of war from what they are instructed and believe to be great want and distress, you are authorized to offer, rather than the negotiations shall be broken off upon this point, that the United States will, after supplying an equal number of the prisoners held by the United States according to the equivalent established by the cartel, using that as a measure of reference, only supplying the surplus of prisoners held by us with precisely the same and not other and different shelter, clothing, food, and medicine with which the confederate authorities supply an equal number of their prisoners held by the United States; but this proposition is not to be made except for the purpose of closing the negotiation on the point, as it is not deemed just that, from motives of humanity, the United States should bear any portion of the burden which properly belongs to the confederate authorities because of the superiority of the United States in capturing prisoners of war.

All propositions received upon this subject from the confederate authorities will be received by you in writing, but they will not prevent oral discussion of the several points involved, in order to their true and just settlement; but such discussion shall not be taken or deemed to be propositions on the one side or the other.

You will see how much is confided to your discretion, care, and judgment; and it is hoped that you may succeed in having established some just and equitable arrangement upon the basis of these instructions for the care and treatment of prisoners of war which seem very likely not to be exchanged.

I have the honor to be, very respectfully, your obedient servant,

BENJ. F. BUTLER,

Major General and Com'r for Exchange.

Colonel Mulford.

Navy Department, *Washington, October* 24, 1864.

Sir: In my communication of the 27th of July last, respecting the officers and crew of the Alabama, I did not mention their number. The number brought

on board the Kearsarge and paroled was five officers and sixty-one men. The total number of officers and men at the commencement of the engagement was about one hundred and fifty. In a matter of exchange we are entitled to as much, I should think, as fifteen officers and one hundred and thirty men. I hope these men will not be forgotten in the account of exchanges.

Very respectfully,

G. F. FOX,
Assistant Secretary of the Navy.

Major General B. F. BUTLER, *&c., &c. &c.,*
Fort Monroe.

OFFICE OF THE COMMISSARY GENERAL OF PRISONERS,
Washington, D. C., October 24, 1864.

SIR: The Secretary of War directs the special exchange of Captain James Gillis, A. Q. M., United States army, captured near Strasburg, October 19, for a rebel officer of equal rank.

Please propose the exchange to Mr. Ould, and if accepted an officer will be forwarded immediately.

W. HOFFMAN,
Commissary General of Prisoners.

Major General BUTLER,
Com. for Exchange, Fort Monroe, Va.

O. C. G. P., *November* 22, 1864. Official:
W. S. HARBEY, *Captain, A. A. G.*

OFFICE OF THE COMMISSARY GENERAL OF PRISONERS,
Washington, D. C., October 27, 1864.

GENERAL: Joseph A. Doane, sutler of the 16th Connecticut, has been paroled by the rebel authorities at Charlestown to the 10th of December, 1864, on condition that he obtain the exchange for himself of John Kenipick, purser of the rebel steamer Calypso, but this exchange is not approved by the Secretary of the Navy, and it is therefore proposed to substitute in his place Mr. John L. McLean, a sutler in the rebel army, now in confinement at Camp Morton, and by direction of the Secretary of War he has been paroled, with the condition that he proceed directly to Richmond, via Fort Monroe, and procure himself to be accepted in exchange for Mr. Doane. If he is accepted in exchange for Mr. Doane, he will request Mr. Ould to inform you of the fact; but failing to make the exchange, he will return to Fort Monroe and surrender himself as a prisoner of war on or before the 16th of December, 1864. Mr. McLean will report to you on his arrival at Fort Monroe, to be forwarded by flag-of-truce boat.

I am, general, very respectfully, your obedient servant,

W. HOFFMAN,
Col. 3d Infantry, Com. Gen'l Prisoners.

Major General B. F. BUTLER,
Commissioner for Exchange of Prisoners, Fort Monroe Va.

OFFICE OF THE COMMISSARY GENERAL OF PRISONERS.
Washington, D. C., October 26, 1864.

GENERAL: By direction of the Secretary of War, Captain Clifton Smith, assistant adjutant general, a prisoner of war at Fort Columbus, will be sent to

you, to be offered in exchange for Captain B. P. Sloan, 2d Pa. cavalry, who was delivered on parole at Aiken's Landing on the 12th September, 1864, with the pledge, as is stated, that he would procure the exchange of Captain Smith for himself. Please inform me when the exchange is perfected.

I am, general, very respectfully, your obedient servant,

W. HOFFMAN,
Col. 3d Infantry, Com. Gen'l Prisoners.

Major General B. F. BUTLER,
Commissioner for Exchange of Prisoners, Fort Monroe, Va.

WASHINGTON CITY, D. C. *November* 2, 1864.

SIR: I sought an interview ineffectually this morning with the Secretary of War for the purpose of explaining your wishes as expressed in your letter of the 31st ultimo, touching the agency for exchange of prisoners at Hilton Head. I will avail myself of the first opportunity to have the matter adjusted as you desire.

In the mean time I beg to say that Colonel Bennett has no authority known to me for the designation he attaches to his name. I understand that the duties of exchange have been committed to yourself by the Secretary of War. I give no orders myself on the subject, and in such communications as I may have addressed to yourself or Colonel Mulford I have been but the channel through which the directions of the President or the Secretary of War have been transmitted; and when I address Colonel Mulford I have regarded him as a portion of your staff in the particular duties in which he is engaged.

Very respectfully, your obedient servant,

E. A. HITCHCOCK
Major General, Volunteers.

Major General B. F. BUTLER.

NAVY DEPARTMENT, *November* 17, 1864.

SIR: Every fresh arrival from Texas gives additional evidence of the sufferings of our prisoners in that quarter, and suggests the importance of relieving them at the earliest possible day.

Arrangements for the exchange of all naval prisoners held in Texas were partially effected, but eventually fell through in consequence of the rebel agent insisting upon having Admiral Buchanan included in the exchange of officers captured at Mobile, and of Rear Admiral Farragut declining to give him up, as he had been instructed to send him north;

This department has no disposition to retain Buchanan, if by delivering him up we can secure the speedy release of the naval prisoners in Texas. He is expected north in the supply steamer Fort Morgan the latter part of this month. On his arrival we propose sending him and any others we may have to you, or placing them at your disposal, to be given in exchange for our prisoners in Texas.

The agreement between this department and Mr. Mallory is to exchange mutually all naval officers and men, and to give an equivalent to whichever side might hold an excess.

The particulars of the recent delivery of officers and seamen at City Point belonging to the navy have not been communicated to this department, nor has it been officially notified of their exchange. There were some who were not delivered to us on James river, but were on parole within our lines. It is not known whether they have been exchanged or not.

The department has not ventured yet to assign any of those who came from Richmond to active duty, because it does not certainly know their status.

Regarding the persons above referred to as having been exchanged, the excess is against us, and equivalents will have to be, if they have not already been, furnished.

This department has no roll of the rebel prisoners who were sent, out in the Circassian and delivered to Commissioner Ould, and cannot therefore state what the excess was. We have in Texas about fifty officers and three hundred seamen; we have to give for them about ten officers at New Orleans and Admiral Buchanan, together with the seamen captured at Mobile, who are also at New Orleans.

The most feasible plan seems to me to be, to deliver Admiral Buchanan to Mr. Ould, and give instructions for the rebel naval prisoners at New Orleans to be given up to the agent for exchange on the part of the rebels in that quarter and then for Mr. Ould or the authorities at Richmond to send instructions to the agent of exchange, or the commanding officer in the trans, Mississippi department, to deliver up our naval prisoners there to United States authorities, equivalents to be given to whichever side may have an excess. To facilitate the matter, this department would be glad to take charge of a duplicate of the instructions that the authorities may issue to their officers in Texas as to the exchange, and undertake to forward it to its destination as soon as possible.

The department requests a reply to this communication at your earliest convenience.

Very respectfully, &c.,

GIDEON WELLES,
Secretary of the Navy

Major General B. F. Butler,
Commissioner for Exchange, Fort Monroe.

Navy Department, *November* 25, 1864.

Sir: This department has to-day been furnished with the official declaration of the exchange of naval prisoners at Cox's Landing on the James river on the 16th ultimo.

I find that the exchange embraces only those who were delivered up at the point named. There are some others whose names were submitted for exchange, and who are now within our lines on parole, that ought to have been included. I now furnish you with a statement of their cases, and hope that you may be able to effect their exchange as early as practicable. Lieutenant Commander E. P. Williams was permitted to come north for the purpose of effecting an exchange. He was the bearer of a communication from Mr. Mallory regarding naval exchanges. His parole expired, but the department considered it unnecessary for him to return to imprisonment, in accordance with its conditions, thinking of course he could be included in the general exchange. Acting Ensign P. W. Sanborn came north under a similar parole, to effect an exchange for Acting Master Bonneau. Acting Master Bonneau was sent down in the Circassian, but this department finds that Acting Ensign Sanborn is not included in the declaration of exchange. He was captured in the Columbine. Acting Master Michael Hickey, Acting Master's Mate E. M. Wild, Acting Assistant Paymaster C. S. Sims, of the United States steamer Queen City, captured June 24, 1864, on Arkansas river, were paroled at the time. Acting Ensign A. H. Brady, of the Granite City, captured May 6, 1864, was severely wounded, and on that account has been permitted to return home on parole.

There are some thirty seamen of the captured steamers Queen City, Signal, and Covington on parole.

Very respectfully, &c.,

G. V. FOX, *Assistant Secretary of the Navy.*

Major General B. F. BUTLER,
Commissioner for Exchange, Fort Monroe.

WASHINGTON CITY, D. C., *November* 25, 1864.

SIR: The Secretary of War desires that a special effort be made for the exchange of Colonel Stephen M. Weld, jr., of the 56th Massachusetts volunteers, and directs me to send his name to you accordingly. He was captured July 30, 1864, in front of Petersburg.

Very respectfully, your obedient servant,

E. A. HITCHCOCK,
Major General Vols.

Major General B. F. BUTLER, *U. S. A.*

NAVY DEPARTMENT,
Washington, November 26, 1864.

SIR: Mr. Edward A. Pollard, now in Brooklyn, has been directed to proceed to Fort Monroe and report to the senior military officer in command there as a paroled prisoner, and with the view of being exchanged.

Very respectfully, &c.,

GIDEON WELLES,
Secretary of the Navy.

OFFICE OF THE COMMISSARY GENERAL OF PRISONERS.
Washington, December 1, 1864.

GENERAL: By authority of the Secretary of War, and in the absence of General Wessells, inspector and commissary general of prisoners, I have the honor to inform you that Corporal R. H. Curry, Co. "F," and private W. J. Neeley, Co. "H," 12th South Carolina regiment, prisoners of war, confined at Fort Delaware, have been selected as hostages for Corporal James Pike, Co. "A," 4th Ohio Volunteer cavalry, and private Charles K. Gray, Co. "D," 5th Iowa cavalry, two scouts sent into the country occupied by the rebel army in May last, by W. D. Whipple, brigadier general and assistant adjutant general, headquarters army of the Cumberland.

It is respectfully requested that the rebel authorities may be informed that said hostages have been selected, and that they will be subjected to the same treatment as they inflict upon the soldiers named.

Enclosed please find copy of the order from this office authorizing the selection of the hostages, and copy of communication from General Schœph, commanding Fort Delaware, reporting the execution of the order.

I am, general, very respectfully, &c.,

W. T. HARDY,
Captain and A. A. G.

Major General B. F. BUTLER,
Commissioner for Exchange of Prisoners, Fort Monroe, Va.

HEADQUARTERS DEP'T OF VIRGINIA AND NORTH CAROLINA,
Army of the James, in the field, December 2, 1864.

GENERAL: Mr. Ould has, by a notice in the Richmond papers, declared all prisoners delivered for exchange or parole by our government to the confederates, up to November 25, exchanged. I see no reason, under the cartel or otherwise, why a similar declaration should not be made both for navy and army prisoners of war received on parole for exchange by us up to that time. Please advise me, and I will issue such declaration as provided in the cartel.

I have the honor to be, very respectfully, your obedient servant,

BENJ. F. BUTLER,
Major General Commanding.

Brigadier General WESSELLS,
Commissary General of Prisoners, Washington, D. C.

HEADQUARTERS DEP'T OF VIRGINIA AND NORTH CAROLINA,
In the field, December 7, 1864.

GENERAL: You will have seen by the papers that Mr. Ould, the agent of exchange for the confederates, has declared all persons exchanged delivered to either party up to November 25, and also declared all the paroled prisoners delivered at Vicksburg exchanged, and this applies to both naval and military.

I think there ought to be a concurrent declaration on our part. I have called the attention of the authorities at Washington to this once before.

I think we are losing the services of good officers by this means.

I have the honor to be, very respectfully, your obedient servant,

BENJ. F. BUTLER,
Major General and Commissioner for Exchange.

Major General HITCHCOCK,
Commissioner for Exchange, Washington, D. C.

HEADQUARTERS DEP'T OF VIRGINIA AND NORTH CAROLINA,
Office of Com. for Exchange, Fort Monroe, Virginia, December 9, 1864.

I have the honor to forward you copies of communications regarding the confinement as hostages of Corporal R. H. Curry, company F, and private W. J. Neeley, company H, 12th South Carolina regiment, prisoners of war, at Fort Delaware, for Corporal James Pike, company A, 4th Ohio volunteer cavalry, and private Charles R. Gray, company D, 5th Iowa cavalry, two scouts sent into the country occupied by the rebel army in May last, by William D. Whipple, brigadier general and assistant adjutant general, army of the Cumberland.

I have the honor to inform you that these hostages will be subjected to the same treatment as your authorities may inflict upon Corporal James Pike, and private Charles R. Gray.

I have the honor to be, very respectfully, your obedient servant,

BENJ. F. BUTLER,
Major General and Commissioner for Exchange.

Hon. ROBERT OULD,
Confederate Commissioner for Exchange.

[Enclosure of letter to Hon. Robert Ould, dated December 24, 1863.]

HEADQUARTERS DEP'T OF VIRGINIA AND NORTH CAROLINA,
Fort Monroe, December 17, 1863.

GENERAL: You are instructed and authorized to take charge of the matter of exchange of prisoners at City Point, and for that purpose the prisoners at Point Lookout, at Fort McHenry, and at Fort Norfolk are put under your charge, and such others will be sent to you from time to time, upon notification to the War Department, as may be thought advisable. You are herein instructed not to negotiate any exchange which shall not return to you man for man, officer for officer of equal rank, with those paroled and sent forward, regarding, of course, in the earlier exchanges if they can be effected, from motives of humanity, those on either side that have been the longest confined both in officers and men.

Colored troops and their officers will be put upon an equality in regard to exchange as a right with other troops.

Colored men in civil employment taken by the enemy may also be exchanged for other men taken by us in civil employment.

You are permitted in conducting the question to waive for the present the consideration of the questions of parole and excess, now pending between the confederate belligerent authorities and this government, leaving it as it stands at present until interchange of views between those authorities and yourself.

In conducting this delicate and perhaps difficult matter, you will see to it that in no degree the protection of the government is withdrawn from our colored soldiers and the officers commanding, and that in no respect, so far as results from your action, that the honor or dignity of the government shall be compromised.

Brigadier General Meredith is ordered to report to you, and will be relieved from further duty as commissioner of exchange, except under your orders.

The conduct of the flag of truce and the necessary transportation to effect this are placed at your disposal.

You will report as often as practicable to this department your action under this letter of instructions.

I have the honor to be, very respectfully, your obedient servant,
E. A. HITCHCOCK,
Major General and Commissioner for Exchange.

Major General B. F. BUTLER,
Commanding Dep't of Virginia and North Carolina.

HEADQUARTERS DEP'T OF VIRGINIA AND NORTH CAROLINA,
Fort Monroe, December 24, 1863.

SIR: I send by Major Mulford, assistant commissioner of exchange, 502 prisoners of war from the confederate army, from Point Lookout—all, I believe, serviceable men, and substantially those longest there in confinement. I offer for delivery at City Point, upon condition of receiving the same number of men held by your authorities as prisoners of war from our army, leaving all questions of difference in controversy between your authorities and my government for the present in abeyance.

I have made personal examination of the condition of the prisoners of war of the confederate army now in prison at Point Lookout, and beg leave to assure you that they are as well cared for and in as comfortable a condition, as good health and as well fed, as the soldiers in our army.

I will send you in my next communication the statement of the sergeants, confederate prisoners, who have charge of the several cook-houses, upon that subject.

I do not mean to say that their rations are as large as our regularly issued ration, because of their state of entire inactivity; but it is, in every respect, of the same quality as those issued to the men guarding.

If you have any doubt of it, upon an examination of the condition of the men I send you, and upon hearing their statements, please suggest what, in your judgment, should be done further in their behalf. I have made this examination, and this statement to you, in order that you may be able to satisfy the friends of the prisoners, who may be disturbed by the unfounded reports of ill treatment and cruelty suffered by the prisoners at Point Lookout, in like manner as our people are excited by what I hope are like groundless stories, of ill usage and starvation suffered by our soldiers in your hands.

I find there are some of the wounded from Gettysburg, and some that have been sick, that are convalescent, and some so far disabled by sickness that while they may be sent forward for exchange they will be of no further service in the field. Men without arms and legs, and debilitated by sickness, are certainly unfit to bear the necessary hardships incident to a condition of prisoners of war; besides, they encumber our hospitals, as upon examination I did not think it proper to order them into the prisoners' camp, with wounds freshly healed, and health hardly restored, and perhaps as the hope of seeing their friends might have a beneficial influence upon their health, therefore I suggest that in the next transport I send up as many of those as are entirely able to bear the exposures of travel without probable danger to their health, and that in exchange you will return to me an equal number of our soldiers that may be in like condition.

As it may be inconvenient and prejudicial to their health to tranship these invalids on either side, I will have them put on a separate boat, upon which there shall be nothing but provisions for them, and will direct that that boat be put at your disposal at City Point, to carry them immediately to Richmond, and bring back those that you shall give in exchange. Of course you will transfer, if yout think best, the master and crew of the boat to the steamer New York, which will accompany them, and will remain at City Point, and put your own master and crew on board, until the boat is returned.

I need not suggest the necessity of care that the boat, which is but a hired transport, shall receive no damage while in your charge, for which my government will be responsible.

And I further suggest whether the same means of avoiding transshipment might not be a convenience and facility in making further exchanges of well men, as well as invalids.

I also send four officers, lately captured at Charles City Court-house, and a surgeon One in exchange for Captain Irwine, who was sent down by last boat, one at his earnest request, being suffering from injuries, and two others, for whom you will forward me any officers of equal rank; I send these, though lately captured, because I have no officers short of Johnson's island, and I wish to avoid delay. Also a number of other prisoners whom I understand were exchanged long since, but by some oversight were not forwarded until now. I trust such oversight will never happen again.

I have the honor to be, very respectfully, your obedient servant,

BENJ. F. BUTLER,
Major General Commanding.

Hon. ROBERT OULD,
Com'r for Exchange of the Confederate Authorities.

OFFICE COMMISSARY GENERAL OF PRISONERS,
Washington, D. C., December 29, 1864.

GENERAL: Some months since I requested General Meredith to propose to Mr. Ould to make an exchange of lists of officers held as prisoners of war by both parties, from time to time, and also lists of officers and soldiers who have died or may while so held. The proposition was accepted, and I have furnished through General Meredith full rolls of all officers held by us up to the 1st of October, and all officers and soldiers who have died up to the 1st of April. In return I have received a roll of officers held at Richmond to October 26, and a list of less than two hundred deaths, which, of course, is very far short of the number who have died.

I will forward to you to-day by mail a roll of 764 officers, captured since the 1st of September, which may contain the names of some who were on the roll heretofore furnished, as to insure that none should be omitted. I have gone back to the 1st of September. I send at the same time a list of 2,850 deaths, covering all cases not before reported.

I would respectfully suggest that before these rolls are delivered there should be a clear understanding with Mr. Ould that he will furnish in return as full rolls of all officers held in their prisons, and of all deaths of our officers and soldiers which have occurred in Richmond or elsewhere. The lists of deaths Mr. Ould has furnished fall very far short of what we have a right to expect. He has received lists of thousands, while he returns less than hundreds.

Very respectfully, your obedient servant,

W. HOFFMAN,
Col. 3d Infantry, Com. General of Prisoners.

Major General B. F. BUTLER,
Com'r for Exchange of Prisoners, Fort Monroe, Va.

ONE HUNDRED DAYS' VOLUNTEERS.

LETTER

FROM

THE SECRETARY OF WAR,

IN ANSWER TO

Resolution of the House of 20th instant, relative to one hundred days' men accepted from Ohio and other States.

JANUARY 24, 1865.—Referred to the Committee on Military Affairs and ordered to be printed.

WAR DEPATMENT,
Washington City, January 23, 1865.

SIR: In reply to the resolution of the House of Representatives, dated the 20th instant, in relation to one hundred days' men accepted from Ohio and other States, I have the honor to submit herewith a report of the Provost Marshal General, which contains all the information in this department upon the subject.

Very respectfully, your obedient servant,

EDWIN M. STANTON,
Secretary of War.

Hon. SCHUYLER COLFAX,
Speaker of the House of Representatives.

WAR DEPARTMENT, PROVOST MARSHAL GENERAL'S OFFICE,
Washington, D. C., January 21, 1865.

SIR: I have the honor to acknowledge the receipt of a resolution by the House of Representatives, dated January 20, 1865, "calling upon the Secretary of War to state on what terms, and with what understanding, men were accepted from Ohio and other States in 1864, and received into the army for one hundred days, and whether there exists any reason why credit should not be given to States and districts in proportion to the term of service."

The troops referred to were offered by the governors of Ohio, Indiana, Illinois, Iowa, and Wisconsin. A copy of the terms and conditions proposed by them and accepted by the President is herewith enclosed. Section five of these terms and conditions is in the following words, to wit:

"No bounty to be paid the troops, nor the service to be charged or credited on any draft."

As this was an express compact between the President and the governors, it is regarded as a reason why the troops should not be credited. There are additional reasons. It has frequently been found necessary, during the war, to call out men for short terms of service, to meet emergencies, and troops thus called out have served for various periods, ranging from one or two weeks to three or four months. The confusion attending the muster-in and discharge of men thus called hastily into service has generally prevented the careful preparation of the rolls and returns necessary to allot credits, and credits for such troops, if determined and allotted "in proportion to the term of service," would be of inappreciable value to the States when compared with the amount of time and labor their calculation would impose upon the War Department. As it was necessary to establish a limit to the periods of service which should be estimated in giving credits, it was early in the war adopted as a rule of the department in making up quotas, not to take account of anything less than six months' service, and that rule still prevails. If it should be abandoned, and an effort made to award credits for all men who have served since the war began for shorter periods than six months, the business of raising soldiers to meet the present wants of the army would be seriously embarrassed.

I have the honor to be, sir, your obedient servant,

JAMES B. FRY,
Provost Marshal General.

Hon. EDWIN M. STANTON,
Secretary of War, Washington City, D. C.

CIRCULAR No. 55.

WAR DEPARTMENT,
Adjutant General's Office, Washington, July 21, 1864.

The following is published for the information of all concerned:

WAR DEPARTMENT,
Washington City, April 21, 1864.

To the PRESIDENT OF THE UNITED STATES:

I. The governors of Ohio, Indiana, Illinois, Iowa, and Wisconsin, offer to the President infantry troops for the approaching campaign, as follows:

Ohio	30,000
Indiana	20,000
Illinois	20,000
Iowa	10,000
Wisconsin	5,000

II. The term of service to be one hundred days, reckoning from the date of muster into the service of the United States, unless sooner discharged.

III. The troops to be mustered into the service of the United States by regiments, when the regiments are filled up, according to regulations, to the minimum strength—the regiments to be organized according to the regulations of the War Department. The whole number to be furnished within twenty days from date of notice of the acceptance of this proposition.

IV. The troops to be clothed, armed, equipped, subsisted, transported, and paid as other United States infantry volunteers, and to serve in fortifications, or wherever their services may be required, within or without their respective States.

V. No bounty to be paid the troops, nor the service charged or credited on any draft.

VI. The draft for three years' service to go on in any State or district where the quota is not filled up; but if any officer or soldier in this special service should be drafted, he shall be credited for the service rendered.

JOHN BROUGH,
Governor of Ohio.
O. P. MORTON,
Governor of Indiana.
RICHARD YATES,
Governor of Illinois.
WM. M. STONE,
Governor of Iowa.
JAMES T. LEWIS,
Governor of Wisconsin.

The foregoing proposition of the governors is accepted, and the Secretary of War is directed to carry it into execution.

A. LINCOLN.

APRIL 23, 1864.

E. D. TOWNSEND,
Assistant Adjutant General.

CERTAIN AMOUNTS PAID FOR COMMUTATION.

LETTER

FROM

THE SECRETARY OF WAR,

IN ANSWER TO

A resolution of the House of 20th instant, relative to amounts paid for commutation by persons illegally drafted.

JANUARY 24, 1865.—Referred to the Committee on Military Affairs and ordered to be printed.

WAR DEPARTMENT,
Washington City, January 23, 1865.

SIR: In reply to the resolution of the House of Representatives of the 20th instant, in relation to certain amounts paid for commutation, I have the honor to submit herewith a report of the Provost Marshal General, and to state that, so far as I am advised or believe, no amounts have been paid for commutation by persons illegally drafted. The report of the Provost Marshal General contains all the information upon the subject in the possession of this department.

Very respectfully, your obedient servant,

EDWIN M. STANTON,
Secretary of War.

Hon. SCHUYLER COLFAX,
Speaker of the House of Representatives.

WAR DEPARTMENT, PROVOST MARSHAL GENERAL'S OFFICE,
Washington, D. C., January 21, 1865.

SIR: I have the honor to acknowledge the receipt of a resolution of the House of Representatives, dated January 20, 1865, calling upon the Secretary of War to state "why the amounts paid for commutation by persons who were declared to have been illegally drafted on a supplementary draft made after the 4th of July last, on a call made prior to that date, has not been refunded to them."

I know of no men who have been illegally drafted.

Commutation money has been refunded to men who, after having been drafted and paid commutation were found to be entitled to exemption, and who established just claims for refunding the commutation money which they had paid. The examination and payment of this class of claims is still going on as rapidly as more important business will permit, and they will probably all be disposed of soon.

I have the honor to be, sir, very respectfully, your obedient servant,

JAMES B. FRY,
Provost Marshal General.

Hon. EDWIN M. STANTON,
Secretary of War, Washington, D. C.

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